

出國報告 (出國類別：其他)

赴泰國曼谷參加 WTO 秘書處舉辦之
「SPS/TBT 協定亞太區域研討會」

服務機關：行政院農業委員會動植物防疫檢疫局

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出國地點：泰國

出國期間：104 年 11 月 9 日至 104 年 11 月 14 日

報告日期：105 年 2 月 4 日

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摘 要

世界貿易組織(WTO)秘書處於 2015 年 11 月 10 日至 13 日在泰國曼谷舉辦「SPS/TBT 亞太地區研討會」，本局植物檢疫組劉宇真技士獲 WTO 秘書處遴選代表我國參加本次研討會。本次研討會係使亞太區域各國充分瞭解 SPS 及 TBT 協定內容，由 WTO 秘書處及相關國際標準組織如 Codex、ISO、OIE 派專家代表提供專業知識與經驗，透過課程講解、討論及經驗交流，使與會學員瞭解 SPS 協定措施及相關國際標準之執行方式。

壹、 前言

世界貿易組織(World Trade Organization, WTO)秘書處於 2015 年 11 月 10 日至 13 日在泰國曼谷(Bangkok, Thailand)舉辦「SPS/TBT 亞太地區研討會」(Regional Workshop for Asia on the WTO Agreements on Sanitary and Phytosanitary Measures & Technical Barriers to Trade)，本局植物檢疫組劉宇真技士獲 WTO 秘書處遴選代表我國參加本次研討會。本次研討會由 WTO 秘書處及相關國際標準組織如 Codex、OIE、ISO、IEC 及 UNIDO 等專家代表提供專業知識與經驗，透過課程講解、討論及經驗交流，使與會學員瞭解 SPS/TBT 協定措施及相關國際標準之執行方式，亦有助於與會學員瞭解 SPS/TBT 協定近期活動及各會員國執行 SPS/TBT 措施情形，對於宣導各國推動相關動植物檢疫及食品衛生安全檢驗措施有極大助益，於制定相關政策時落實 SPS 及 TBT 協定之精神，以降低多邊貿易障礙。

本次研討會主要討論內容為：

- 一、多邊貿易關係之非關稅貿易障礙簡介。
- 二、SPS 及 TBT 措施協定 (SPS/TBT Agreement) 基本內容介紹。
- 三、國際規範於執行 SPS 及 TBT 措施協定會員國所扮演之角色。
- 四、SPS/TBT 協定委員會簡介。
- 五、透明化 (Transparency) 及協調(Coordination)措施於 SPS/TBT 協定相關內容。
- 六、貿易便捷化(Trade Facilitation)與 SPS 及 TBT 協定之關聯。
- 七、相關國際規範 Codex、OIE、ISO、IEC 及 UNIDO 之簡介及運用。

貳、 行程紀要

日期	行程紀要及研習主題
2015 年 11 月 9 日	<ol style="list-style-type: none"> 1. 搭乘 13 時 55 分華航 CI835 班機自臺灣桃園國際機場出發，於 16 時 45 分抵達泰國曼谷蘇凡納布國際機場。 2. 於 19 時 00 分搭乘計程車前往曼谷諾沃城大酒店 (Nouvo City Hotel)。
2015 年 11 月 10 日	<ol style="list-style-type: none"> 1. 上午 09:00 報到，本次研討會舉辦地點為聯合國亞洲及太平洋經濟社會委員會(U.N. Economic and Social Commission for Asia and the Pacific, ESCAP)。 2. 由 WTO 秘書處農業及貨品組(Agricultural and Commodities Division, WTO) Ms. Gretchen Stanton 及聯合國亞洲及太平洋經濟社會委員會秘書處貿易及投資組(Trade and Investment Division, ESCAP)Ms. Susan F. Stone 主持本次研討會開幕儀式。 3. WTO 秘書處貿易及環境組(Trade and Environment Division, WTO) Ms. Serra Ayrál 介紹本次研討會內容及其授課講師與課程進行方式，並帶領各國參加人員進行自我介紹。 4. WTO 秘書處以問卷讓參加人員自我測驗了解對 SPS 及 TBT 等相關協定之理解情形。 5. Ms. Gretchen Stanton 介紹與 SPS 及 TBT 協議相關之非關稅貿易障礙(Non-tariff measures (NTMs) in the multilateral trading system)。 6. 播放 WTO 秘書處所製作關於貿易安全之宣導影片，讓學員透過觀看該影片了解 SPS 措施協定相關之技術協助 (SPS-related assistance)。 7. Ms. Gretchen Stanton 介紹 WTO/SPS 及 TBT 協定基本原則。 8. Ms. Serra Ayrál 介紹 Codex、OIE、ISO 及 IEC 等國際規範於 SPS 及 TBT 協定中扮演之角色，並由前述國際規範之與會專家簡介各規範之相關內容，同時與與會學員進行討論。 9. Ms. Serra Ayrál 介紹 SPS 及 TBT 協定委員會之扮演角色及功能，簡介委員會近期處理之相關議題，同時進行實際演練。

2015年11月11日	<ol style="list-style-type: none"> 1. 由 WTO 秘書處貿易及環境組(Trade and Environment Division, WTO) Ms. Serra Ayrál 介紹 SPS 及 TBT 協定執行透明化 (Transparency) 及協調 (Coordination) 措施。 2. 由 WTO 秘書處農業及貨品組(Agricultural and Commodities Division, WTO) Ms. Gretchen Stanton 主持，由參加學員分享 SPS 及 TBT 協定在該國運作情形，同時由聯合國亞洲及太平洋經濟社會委員會及聯合國糧農組織簡介 SPS 及 TBT 協定相關議題及措施對亞太經濟地區之影響。 3. 由 WTO 秘書處標準及農產品貿易便捷發展組(Standards and Trade Development Facility Agriculture and Commodities Division)Mr. Melvin Spreij 簡介貿易便捷化協議(Trade Facilitation Agreement, TFA)，並說明 TFA 與 SPS 及 TBT 協定之關聯。同時分享亞洲地區對於落實 SPS 協議以推展貿易便捷化之經驗。 4. 由聯合國亞洲及太平洋經濟社會委員會及聯合國糧農組織分別簡介亞洲地區無紙化及 SPS 協定措施電子化及農產品生產鏈與貿易便捷化等相關資訊。
2015年11月12日	<ol style="list-style-type: none"> 1. 依各國與會學員專業及其感興趣之學習領域，分為 Codex、OIE、IPPC、ISO 與 IEC 及 UNIDO 等四個小組，由各國國際標準之專家代表針對該領域進行講解，與學員進行討論及意見交流，同時就各國在執行 SPS 措施遭遇之問題提出建議。 2. Codex、OIE、IPPC、ISO 與 IEC 及 UNIDO 等四組由與會專家代表主持，個別依食品、動物健康、植物保護、國際標準及產業發展等議題進行深入探討。最後由 WTO 秘書處貿易及環境組(Trade and Environment Division, WTO) Ms. Serra Ayrál 主持，各小組派代表針對討論之問題及學習心得提出報告，與各國國際標準專家交流並進行綜合討論。

2015 年 11 月 13 日	<ol style="list-style-type: none"> 1. 由 WTO 秘書處農業及貨品組(Agricultural and Commodities Division, WTO) Ms. Gretchen Stanton 及 WTO 秘書處貿易及環境組(Trade and Environment Division, WTO) Ms. Serra Ayrál 共同主持，說明於 WTO SPS 及 TBT 協定處理爭端機制，並藉實際案例演練，由與會學員分組進行模擬及討論。 2. 由 WTO 秘書處標準及農產品貿易便捷發展組(Standards and Trade Development Facility Agriculture and Commodities Division)Mr. Melvin Spreij 說明 STDF(Standards and trade development facility)之運作機制，並說明援助基金申請管道及相關成功經驗分享。 3. Mr. Melvin Spreij 主持，由 Codex、OIE、ISO、IEC、UNIDO、WTO 及 FAO 與會專家代表說明該國際標準之基本運作模式，並說明可提供之協助或基金協助。 4. 研討會綜合討論及頒發受訓證明。
2015 年 11 月 14 日	當地時間早晨 11 時 10 分搭乘中華航空公司 CI834 班機，於 15 時 45 分抵達臺灣桃園中正國際機場。

參、研討會課程內容

一、WTO 非關稅相關措施、SPS 及 TBT 協定簡介 (附件一)

為因應全球多邊貿易系統發展及世界各國逐漸重視人權、環保、勞工、文化、食品衛生安全及動植物健康等相關議題，由 1948-1994 年關稅暨貿易總協定(General Agreement on Tariffs and Trade, GATT)，自 1986 年之烏拉圭回合談判中部分議題納入 WTO 之多邊貿易協定。然而，WTO 各會員國為防範藥物殘留或其他有害物質污染食品、避免植物疫病蟲害及動物疾病入侵，各國逐一對關切議題或貨品擬定並採行相關保護措施，使得非關稅貿易障礙的案件逐漸增加。WTO 致力於順暢會員國間貿易，減少非關稅貿易障礙，爰經會員討論研商訂定食品安全檢驗及動植物防疫檢疫措施協定 (Agreement of Sanitary and Phytosanitary Measures, SPS) 及技術性貿易障礙協定 (Agreement on Technical Barriers to Trade, TBT)，會員在「主張保護該國人民、動物及植物之生命與健康之權利」與「避免不必要的貿易障礙」之間採取 SPS 及 TBT 措施，而 SPS 與 TBT 協定的七大要素包括無歧視或偏見(Non-discrimination)、科學證據 (Scientific justification)、同等效力 (Equivalence)、區域認定(Regionalization)、透明化 (Transparency)、技術協助與特殊措施 (Technical assistance/special treatment)、管制、檢驗及核可程序(Control, inspection and approval procedures)。另外，會員國進行貨品輸入風險分析時，須著重於科學依據 (Scientific justification)、調和(Harmonization)、風險評估機制(Risk assessment)、一致性(Consistency)及最少的貿易限制(Least trade-restrictiveness)等。

二、SPS 及 TBT 協定措施 (SPS and TBT Agreement)基本原則與精神 (附件二)

SPS 及 TBT 協定措施之精神皆為會員國應主張以適當措施保護該國人民、動物及植物之生命與健康、保護該國環境、避免不誠實不透明之管理措施與不必要的貿易障礙。SPS 協定主要與農產品、動植物產品及食品等有關；相對於 TBT 協定則與所有產品(包含工業產品與農產品)製程或管理措施有關。因此，SPS 協定相關管制措施包含下列事項：

(一) 與人民或動物健康有關：如食品含有之添加物、污染物、毒素或致病微生物、飲

品及飼料等。

(二) 與人民生命安全有關：如植物或動物之傳染病。

(三) 與動物或植物健康有關：如影響動植物健康之有害生物或疾病等。

(四) 與會員國邊境或境內管制有關：如其他境外移入可能影響動植物健康或環境之危害因子及有害生物之立足與擴散情形等。

而 TBT 協定措施則與下列項目有關：

(一) 技術性相關規定與管理 (Technical regulations)：產品特性之描述或該產品之製造品質管理。

(二) 標準化 (Standards)：由第三方公證機關進行認證。

(三) 一致化 (Conformity assessment procedures)：制定評估流程確認相關技術與標準一致。

三、SPS 與 TBT 協定相關措施之比較 (附件二)

在 WTO 多邊貿易協定下有許多非關稅貿易障礙與 SPS 或 TBT 協定相關，甚至同時與前述協定同時相關，以下詳列與 SPS 與 TBT 協定相關議題進行比較：

與 SPS 措施相關議題	與 TBT 協定相關議題
1. 食品潛在對於人類及動物健康之風險。	1. 人類疾病管控 (食品安全議題除外)。
2. 人畜共通傳染病或植物傳染病。	2. 營養成分標識。
3. 危害動植物之有害生物或疾病。	3. 食品品質管理及包裝。
4. 範例：殘留農藥及食品添加物等。	4. 範例：食品外包裝標識 (與食品安全相關者除外)、農藥管理、安全措施等。

四、SPS 及 TBT 協定委員會扮演角色 (附件三)

目前 WTO 共有 161 個會員，SPS 及 TBT 協定委員會主要由會員國(WTO members)、觀察政府組織(observer governments)及相關之非政府國際組織(observer international

intergovernmental organizations)等組成。SPS 或 TBT 委員會提供定期的諮商平台，給予會員交流管道，會議決議採共識決。另外，SPS 及 TBT 委員會應與相關國際標準組織保持聯繫，並以國際標準為基礎監督各會員國相關措施之調和，使該國相關措施能符合相關規範。

五、SPS 及 TBT 之透明化原則 (Transparency) (附件四)

國際貿易常因輸入國制訂保護措施或不易取得輸入國規定等因素，造成許多非關稅貿易障礙，WTO 為促進貿易，於 SPS 與 TBT 協定下訂定透明化原則，各國推動 SPS 或 TBT 相關措施時都應遵行。另外，為提供 WTO 會員國能瞭解各會員國與 SPS 及 TBT 協定之相關規定，設有 SPS 資料管理系統(SPS Information Management System, SPS IMS) 及 TBT 資料管理系統(TBT Information Management System, TBT IMS)，網址為 <http://spsims.wto.org> 及 <http://tbtims.wto.org>，供各會員國查詢使用。通知文件以英文、法文、西班牙文為主，內容包含牽涉議題種類、規定內容、預估實施日期等。另外，各國設置一個國家通知機構(Notification Authority)，並可因業務屬性設立查詢點(Enquiry Point)，目前我國由本局擔任我國之 SPS 查詢點。

各會員國如有新增或修訂對國際貿易有所影響之 SPS 相關法規時，應主動向 WTO 通報，並給予 60 天的評論期。

六、SPS 同等效力 (Equivalence) 原則 (附件四)

輸出國應向輸入國證明其檢驗或防檢疫措施達到輸入國要求之適當保護水準，而該措施與輸入國或其他輸入國輸入同一產品之相關管制不同時，輸入國仍應視該措施具適當檢驗或防檢疫措施具同等效力而接受之。

七、SPS 之區域化 (Regionalization) 原則 (附件四)

會員國應保證 SPS 措施適用於產品來源地及輸往地區之檢驗、防疫檢疫的特性，而產品的來源地或輸往地區可為一個國家、一國的部分區域或數國之全部或部分區域。相關措

施之建立應特別考量特定疫病蟲害或傳染病之流行或發生程度、建立撲滅或防治計畫，並依據相關國際規範研擬適當基準或準則。如輸出國欲宣稱該國為某害蟲或疫病之非疫區或低流行疫區，應提出必要之證據及相關資料，俾供輸入國進行風險評估作業。

八、SPS 之特殊及差別待遇 (Special and Differential Treatment) 原則 (附件四)

WTO 會員國研擬與實施檢驗或防檢疫措施時，應考量開發中國家會員。針對極具影響力之貿易產品，應給予開發中會員國較長之緩衝時間，以遵循輸入國之相關規定，俾兼顧該國之出口貿易。另外，為確保開發中會員國能符合 SPS 協定的各項規定，SPS 委員會在該等國家提出要求，同時考量該國財政、貿易與發展等需求，准許該等國家享有 SPS 協定之特定條款及協定中訂定時限之例外。

九、SPS 及 TBT 協定處理爭端機制 (附件五)

WTO 會員國如於貿易中遇到與 SPS 及 TBT 協定相關之非關稅貿易障礙，可透過下列四種方式處理：

- (一) 雙邊或區域諮商 (Bilateral and/or Regional Efforts)：透過各會員國的查詢點、外交諮商管道或 SPS/TBT 委員會中舉行之非正式雙邊諮商會議中交流協商。
- (二) 於 SPS/TBT 委員會中提出特殊貿易關切(Specific Trade Concerns)。
- (三) 由 SPS 委員會主席協調：依據 SPS 委員會之 1995 年 3 月制定之工作項目，當會員國有提出貿易關切時，委員會主席可協助該國進行諮商協調。
- (四) WTO 爭端處理系統 (WTO Dispute Settlement System)：由 WTO 成立一個爭端處理小組 (Dispute Settlement Body)，該小組成員為相關技術或國際標準組織專家等，開會進行討論並製作報告通知會員國，歷時約需一年，之後有三個月之上訴期。

十、標準與促進貿易發展(Standards and trade development facility, STDF)設立之精神 (附件六)

為促進 WTO 之開發中會員國能有遵守 SPS 及 TBT 協定等相關規範，並協助開發中會員國產品出口貿易，WTO 建置 STDF，STDF 每年編有基金預算，可提供開發中會員國 SPS 技術服務或制定相關措施之援助；另外，亦提供交流平台，提供開發中會員國汲取其他會員國成功經驗。開發中會員國如欲向 STDF 提出申請，可提供相關工作計畫，STDF 部門受理後，經由 WTO 秘書處及 WTO 政策委員會審查，決定是否給予協助。

十一、貿易便捷化協議(Trade Facilitation Agreement, TFA)與 SPS 及 TBT 協定之關聯 (附件七)

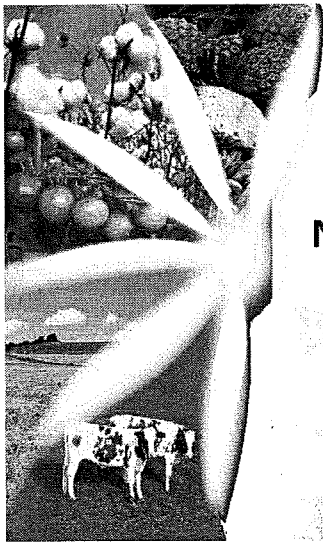
貿易便捷化協議主要涵蓋三個部分，第一部分有 12 章，明定約有 40 種與貨品進出口相關流程及措施，第二部分主要說明對低度開發及開發中會員國相關之貨物進出口特殊待遇，第三部分說明應設置委員會審視各會員國之貨物進出口措施是否符合貿易便捷化原則。在貿易便捷化協議架構下，為避免與 SPS/TBT 協定相關之不必要非關稅障礙發生，在條文中特別涵蓋 SPS/TBT 相關標準及規範。同時，藉由 STDF 推動全球貿易便捷化及安全化。

肆、心得及建議

- 一、本次為 WTO 為促進會員國貿易，並協助亞太區域各會員國充分瞭解 SPS 及 TBT 協定措施及如何於執行層面落實而舉辦之研討會，參與學員主要來自亞太地區，包含泰國、孟加拉、新加坡、香港、斯里蘭卡、印度、菲律賓、越南、印度尼西亞、伊朗、柬埔寨及我國等。課程由 WTO 秘書處、聯合國糧農組織、聯合國亞洲及太平洋經濟社會委員會及相關國際標準制定組織如 Codex、OIE、ISO 及 IEC 等專家代表說明，透過簡報、與會學員與講者之互動討論及與會學員之經驗交流，不僅可使與會學員進一步瞭解 SPS 與 TBT 協定精神及相關國際標準之執行方式，也可瞭解亞太區域各會員國如何致力於落實 SPS 及 TBT 協定，對於各國推動相關動植物檢疫及食品衛生安全檢驗措施亦有極大助益。另外，藉由學員間經驗交流，可瞭解亞太地區執行 SPS 措施協定現況及可能面臨困境。
- 二、為順暢國際間貿易，WTO 持續向各會員國宣導應依據 SPS 及 TBT 協定執行相關動植物防疫檢疫或檢驗措施。然而許多會員國仍以為保護國內農業及相關產業為由，訂定較嚴苛之保護措施，無形中對輸出國造成非關稅貿易障礙，影響市場進入，惟 WTO 目前對於會員國未符合 SPS 措施協定之行為並無相關裁罰，如發生爭議時只能持續透過不同之爭端解決機制持續協商。而對於開發中及未開發會員國，WTO 加強該等國家對 SPS 及 TBT 措施之能力建構並提供必要之技術協助，以突破市場進入障礙。
- 三、對於目前全世界關切之氣候變遷、生物多樣性、入侵種、動植物健康及食品安全等相關議題，加上資訊交流電子化，國際標準制定組織如 OIE 及 IPPC 亦持續關切並檢視現行國際標準之適用性，未來我國應持續留意相關國際規範是否有更新，以使我國相關措施能與國際順利接軌。
- 四、為協助相關政策規劃人員能更深入瞭解 WTO/SPS 及 TBT 協定內容等各項國際標準，應持續爭取派員參加相關研討會議或其他訓練課程，以使我國相關措施確實執行 SPS 及 TBT 協定之精神，增加我國對外貿易競爭力。

附件一：WTO 非關稅相關措施、SPS 及 TBT 協定簡介

Introduction to the WTO Non-tariff Measures and the SPS &
TBT Agreement



Introduction to the WTO Non-tariff Measures and the SPS & TBT Agreements

Gretchen H. Stanton
Agriculture and Commodities Division
World Trade Organization

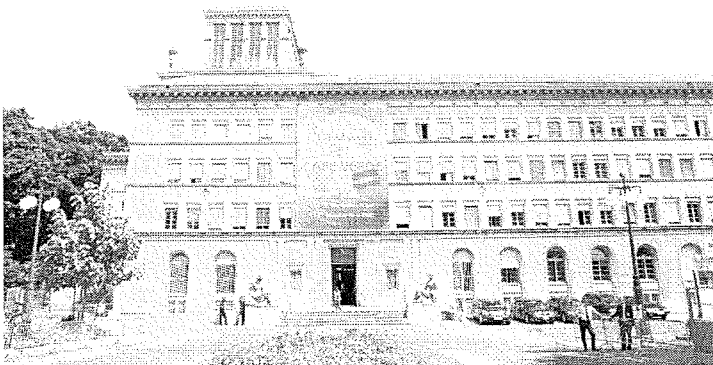


Introduction to the WTO

1. General Introduction to the WTO
2. Non-Tariff Measures and the WTO
3. Introduction to the SPS & TBT Agreements
 - Why the SPS & TBT Agreements?
 - What are their objectives? What do they cover?



What is it all about?



Multilateral trading system

1948–94: GATT Goods
General Agreement on Tariffs and Trade

1995–now: WTO
Goods
+ Services
+ Intellectual property

Members are governments → now 161
'member-driven' → about trade policies



'Multilateral' trading system

Result:

- Freer-flowing trade
lower trade barriers
- Less trade friction between governments
agreed rules
- Growth, access to goods + services, welfare
- Economic stability



Multilateral trading system

Objectives:

- Freer-flowing trade
lower trade barriers
- Less trade friction between governments
agreed rules, 'rules-based'





Multilateral trading system

The means:



- Negotiations ...

... resulting in agreements: principles and commitments



- Implementation, monitoring ('regular' work): agreements and protectionism in general



- Dispute settlement: rulings and legal interpretations (of agreements)

WTO OMC



Negotiations

Starting point of all WTO work



Agreement only by consensus

Everyone has to be persuaded
No one forced by a majority

Everything else follows from negotiations ...



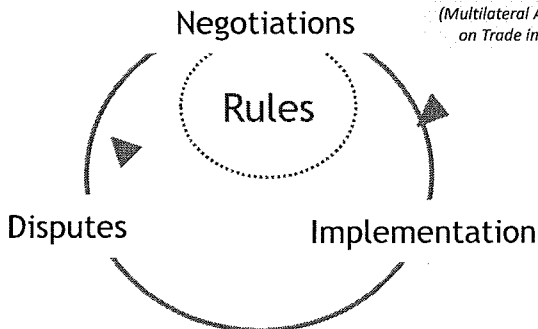
WTO OMC



Negotiating Trade Rounds

Rounds: 1947(Geneva) ...

1948 - General Agreement on Tariffs and Trade
(Multilateral Agreement on Trade in Goods)



WTO OMC



Negotiating Trade Rounds

Year	Place / name
1947	Geneva
1949	Annecy
1951	Torquay
1956	Geneva
1960-1961	Geneva (Dillon Round)
1964-1967	Geneva (Kennedy Round)
1973-1979	Geneva (Tokyo Round)
1986-1994	Geneva (Uruguay Round)
2001 -	Geneva (DDA)

1995: WTO

Source: WTO

WTO OMC



"WTO Contract"

Decisions: consensus

30 negotiated agreements

- Status of international treaties
- WTO Members must modify their commercial policies to conform with their WTO obligations.
- When Members disagree, WTO rules have priority.



WTO OMC



WTO Basic Principles

1. No discrimination

- Most favoured nation principle (MFN): *treating other countries equally*
- National treatment principle: *treating foreign & domestic producers equally*

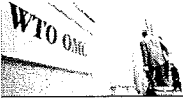
2. Predictability

- Respect of tariff "bindings" (goods and services)
- Transparency (notification, TPR)

3. Freer trade (suppression of barriers through negotiations)

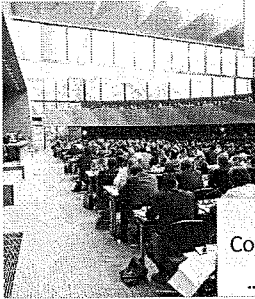
- Tariff reductions
- Prohibition of using quantitative restrictions (quotas)

WTO OMC



Decision-making

'Member-driven'



Ministerial Conference
Topmost, political. ... At least once every 2 years

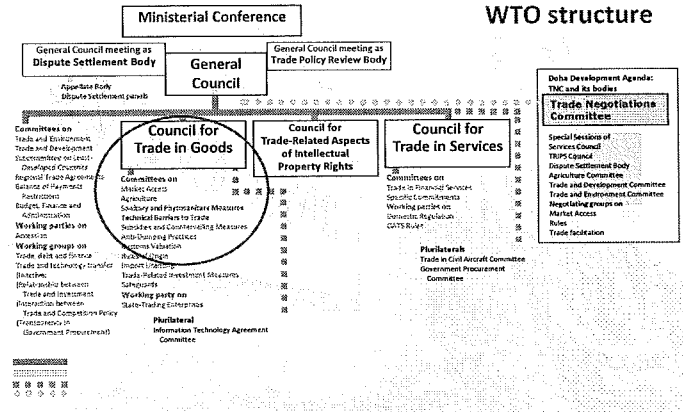
General Council
In charge between ministerials
Meets in Geneva

Councils and committees
Cover all WTO agreements and related issues
... include all members ... decisions by consensus



All WTO members may participate in all councils, committees, etc, except Appellate Body, Dispute Settlement panels, and plurilateral committees.

Decision-making WTO structure



Dispute Settlement

The WTO is not a policeman



Disputes: handled by members in ... Dispute Settlement Body

Cases are brought by governments ...

...based on 'broken promises'
i.e. agreements or commitments violated



Aim: consult, settle 'out of court'
Dispute starts with 'request for consultations'

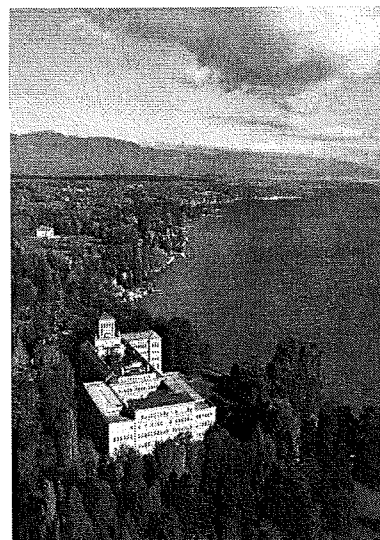
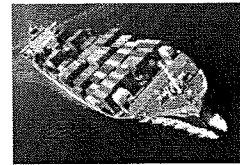


Negotiations

IN THE END:

Trade agreements
do not create
trade

They create
trade opportunities



The WTO Fact File

- **Location:** Geneva, Switzerland
- **Established:** 1 January 1995
- **Membership:** 161
- **Budget:** 197m Swiss francs for 2014
- **Secretariat staff:** ~640
- **Director-General:** Roberto Azevêdo



Non-Tariff Measures

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 - What are their objectives? What do they cover?

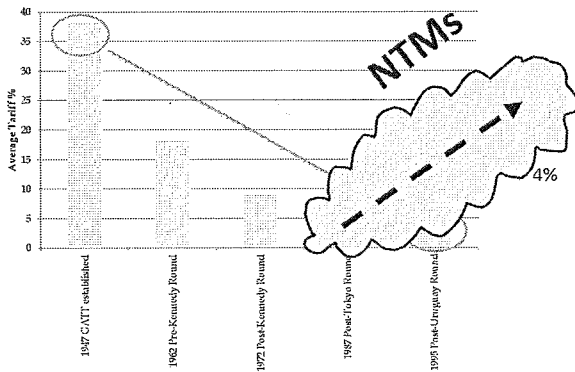




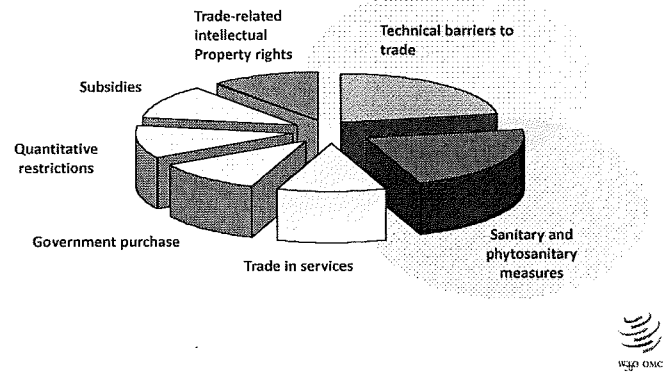
Use of Non-tariff measures

Overall, import weighted tariff on industrial products

= 40%



Non-tariff measures



Characteristics of NTMs

There is a problem with transparency

NTMs more opaque than tariffs

- difficult to quantify
- difficult to negotiate (no numbers and formulas)
- less predictable

The effects on trade are complex ...

... difficult to assess impact(s), and difficult to compare across countries



Characteristics of NTMs

Even NTMs solely motivated by public policy objectives can cause trade problems (even when not intentional!).

differences between countries in social preferences, level of development and governance, can lead to divergences between regulations

Different costs for different Members may affect or divert trade



e.g. what is "fresh" poultry?

Approaches to precaution can be difficult to reconcile



Characteristics of NTMs

TBT and SPS measures often perceived as major impediment to exporters, particularly for developing countries ...

... measures often associated with burdensome (not always transparent) procedures to demonstrate conformity (e.g., certification, inspection) that rely on an established technical (quality) infrastructure (metrology, laboratories, accreditation bodies)



WTO Disciplines on NTMs

WTO disciplines on NTMs are essentially about resisting protectionist pressures

legally binding treaty obligations
international disciplines that cannot be broken or only at a high cost
(formal dispute settlement, retaliation)

Important in times of crisis!





WTO Disciplines on NTMs

But you cannot always eliminate NTMs (∅-tariff equivalent)! ...

You cannot bring a measure aimed at achieving a legitimate public policy objective with an effect on trade to ∅.



SPS & TBT Agreements

Agreement on Technical Barriers to Trade

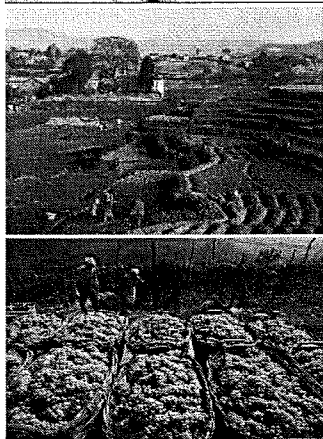
- 1979
- 1995

Agreement on the Application of Sanitary and Phytosanitary Measures

- 1995



Why an Agreement on SPS?



World food and agriculture trade:

- In 2014, US\$ 1746 billion of agricultural products traded
- 9.5% total goods traded (2014)

But, on the other hand...



Introduction to the SPS & TBT Agreements

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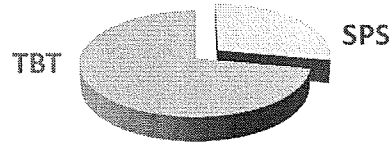


TBT Agreement - Coverage TBT Annex 1

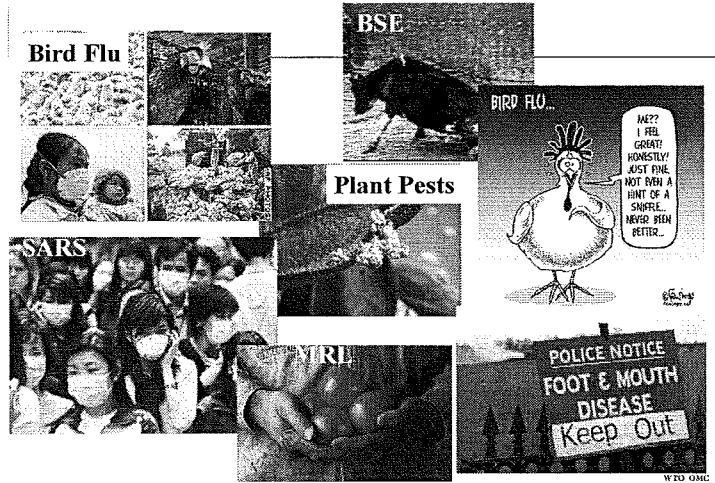
It applies to all:

- technical regulations (mandatory)
- standards (voluntary)
- conformity assessment procedures

For all products, industrial and agricultural



But: its provisions do not apply to SPS measures (TBT Article 1.5)





Uruguay Round: Negotiations on Agriculture

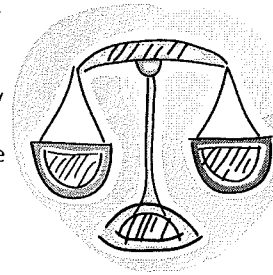
- Objectives to eliminate quantitative import restrictions
- Eliminate other non-tariff barriers (variable levies)
- Reduce tariffs
- Reduce domestic production subsidies
- Reduce export subsidies
- Establish sanitary and phytosanitary rules



Objectives of the SPS and TBT Agreements

Pursuit of trade liberalization to...

avoid unnecessary barriers to international trade



Recognizing Members' right to...

- ❖ fulfill legitimate objectives
- ❖ protect human, animal, plant life or health

at levels they consider appropriate



SPS vs. TBT

So how to determine whether a measure falls under the:



SPS Agreement

OR



TBT Agreement

OR



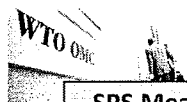
any other WTO Agreement?



SPS Measures - Definition SPS Annex A

A measure taken to protect:

- | | | |
|------------------------|------|---|
| Human or animal health | from | risks arising from additives, contaminants, toxins or disease organisms in food, drink, feedstuff |
| Human life | from | plant- or animal-carried diseases |
| Animal or plant life | from | pests, diseases, disease-causing organisms |
| Territory of Member | from | other damage caused by entry, establishment or spread of pests |



SPS or TBT ?

SPS Measures

- ❖ human or animal health from food-borne risks
- ❖ human health from animal- or plant-carried diseases
- ❖ animals and plants from pests or diseases
- ❖ examples:
 - pesticide residues
 - food additives



TBT Measures

- ❖ human disease control (unless it's food safety)
- ❖ nutritional claims
- ❖ food packaging and quality
- ❖ examples:
 - labelling (unless related to food safety)
 - pesticide handling
 - seat belts



THANK YOU !

Questions ?

Gretchen.Stanton@wto.org

SPS Gateway

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

TBT Gateway

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

附件二：SPS 及 TBT 協定措施基本原則與精神

Key principles of the SPS & TBT Agreements



Key Principles of the SPS & TBT Agreements



Gretchen H. Stanton
Agriculture and Commodities Division
World Trade Organization



Principles of the Agreements on Sanitary and Phytosanitary Measures (SPS) Technical Barriers to Trade (TBT)



Card 1: Objective of the TBT Agreement

- 1a** The TBT Agreement strikes a balance between Members' right to regulate to protect legitimate interests, and the need to prevent TBT measures from becoming unnecessary trade obstacles.
- OR ?**
- 1b** The TBT Agreement safeguards Members' absolute right to impose any regulations they want regardless of the impact on market access.

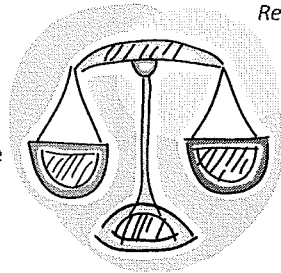


Objectives of the SPS and TBT Agreements

1a

Pursuit of trade liberalization to...

avoid unnecessary barriers to international trade



Recognizing Members' right to...

❖ protect human, animal, plant life or health

❖ fulfill legitimate objectives

at levels they consider appropriate



Card 2: Products subject to the TBT Agreement

- 2a** The TBT Agreement applies to **all products**, including industrial and agricultural products.
- OR ?**

- 2b** The TBT Agreement **only applies to industrial products**, as agricultural products are dealt with in the Agriculture Agreement.



Card 2: Products subject to the TBT Agreement *TBT Article 1.3*

2a



The TBT Agreement applies to

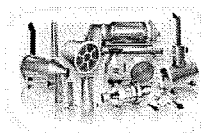
ALL PRODUCTS

including industrial and agricultural products



TBT - type of measure !

SPS - its objective !





Card 3: TBT Policy Objectives

3a Considerations related to national security and prevention of deceptive practices are the key policy objectives that may justify the adoption of a technical regulation.

OR ?

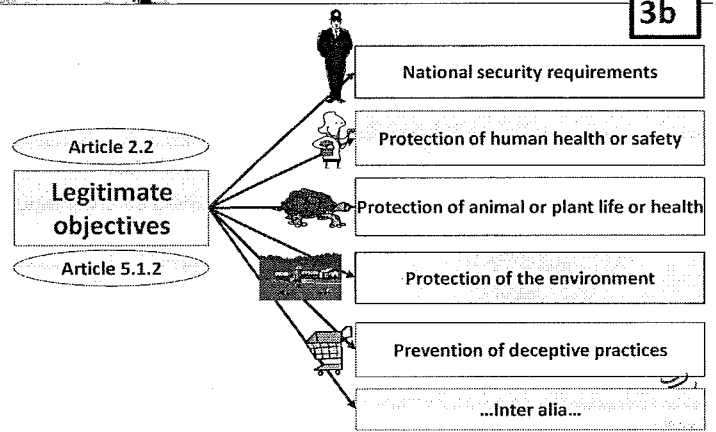
3b Several policy objectives, listed non-exhaustively in the TBT Agreement, may justify the adoption of a technical regulation.



Card 3: TBT Policy Objectives

TBT Article 2.2

3b



SPS Policy Objectives Definition of an SPS Measure

SPS Annex A

A measure taken to protect:

- Human or animal health *from* risks arising from additives, contaminants, toxins or disease organisms in food, drink, feedstuff
- Human life *from* plant- or animal-carried diseases
- Animal or plant life *from* pests, diseases, disease-causing organisms
- Territory of Member *from* other damage caused by entry, establishment or spread of pests



Card 4: Which type of measures are TBT measures?

4a Technical regulations, standards and conformity assessment procedures are the types of measures which fall under the TBT Agreement.

OR ?

4b Standards do not fall under the TBT Agreement, because they only provide voluntary guidance to exporters.



Card 4: Which type of measures are TBT measures? TBT Annex 1

4A

Technical Regulations



Lays down product characteristics or their related processes and production methods

Standards



Approved by a recognized body

Conformity Assessment Procedures



Used to check compliance with technical regulations and standards



Card 5: Which type of measures are TBT measures?

5a A technical regulation is defined as a mandatory measure, while a standard is defined as a non-mandatory measure, and conformity assessment procedures are mandatory or voluntary measures used to check compliance with technical regulations and standards.

OR ?

5b A standard may be a mandatory or voluntary measure, while a technical regulation is defined as a mandatory measure, and conformity assessment procedures are mandatory measures used to check compliance with technical regulations and standards.



Card 5: Which types of measures are TBT measures? *TBT Annex 1*

5a

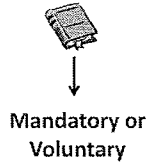
Technical Regulations



Standards



Conformity Assessment Procedures



Card 6: SPS or TBT ?

6a The same measure can fall under **both** the TBT and the SPS agreements.

OR ?

6b A measure that falls within the scope of the SPS Agreement is **excluded** from the TBT Agreement.

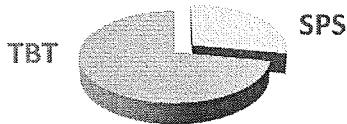


Card 6: TBT Agreement - Coverage *TBT Article 1.5*

6b

It applies to all:

- technical regulations (mandatory)
- standards (voluntary)
- conformity assessment procedures



SPS or TBT ?

SPS Measures

TBT Measures

- ❖ human or animal health from food-borne risks
- ❖ human health from animal- or plant-carried diseases
- ❖ animals and plants from pests or diseases
- ❖ examples:
 - pesticide residues
 - food additives



- ❖ human disease control (unless it's food safety)
- ❖ nutritional claims
- ❖ food packaging and quality
- ❖ examples:
 - labelling (unless related to food safety)
 - pesticide handling
 - seat belts



SPS or TBT ?

A different case :

A regulation/legislation could consist of **two** components:

- ❖ One falling under the SPS Agreement
- ❖ Another falling under the TBT Agreement



Example:

This regulation defines the quality, safety, packaging and labelling requirements for fresh domestic and imported blackberries for consumption in Costa Rica.



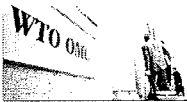
Card 7: Territoriality

7a The TBT Agreement stipulates that Members may pursue certain legitimate objectives, but **only within their territory.**

OR ?

7b The SPS Agreement stipulates that Members may pursue certain legitimate objectives, but **only within their territory.**





Card 7: Territoriality

7b

The TBT Agreement stipulates that Members may pursue certain legitimate objectives, but it does not lay down a territorial limitation.

The SPS Agreement applies only to measures to protect health **within the territory** of the Member taking the measure.



Card 8: Basis for SPS Measures

8a Governments must base their SPS measures on appropriate **scientific evidence**.

OR ?

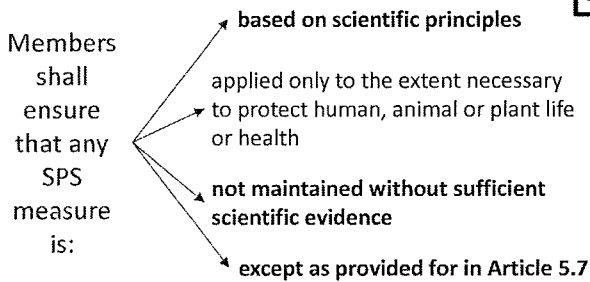
8b Governments must base their SPS measures on **economic principles**.



Card 8: Scientific Justification

SPS Article 2.2

8a



Card 9: Like Products

9a The concept of "like products" is not relevant to the TBT Agreement.

OR ?

9b Under the TBT Agreement, imported "like products" must be treated no less favourably than like products of national origin or from any other country

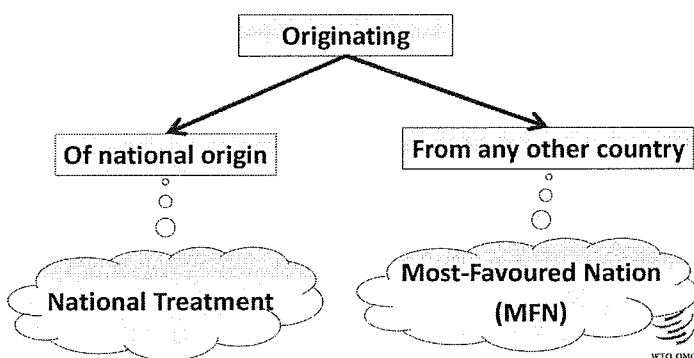


Card 9: Like Products

TBT Article 2.1

9b

Treatment no Less Favourable to Like Products



Card 10: Non-discrimination

10a SPS measures **shall not** differentiate between national and foreign sources of supply.

OR ?

10b Under certain conditions, SPS measures **may** differentiate between national and foreign sources of supply.





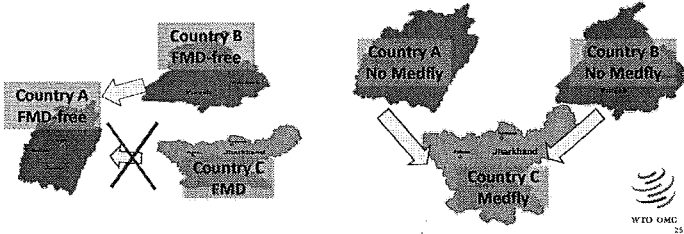
Card 10: Non-discrimination SPS Article 2.3

Under certain conditions, **10b**

SPS measures may differentiate between national and foreign sources of supply.

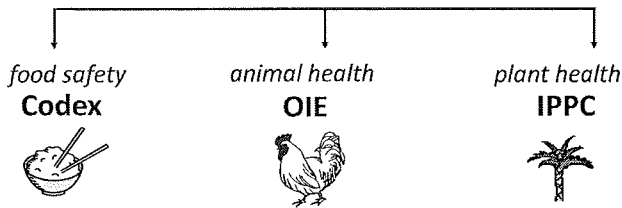
No unjustifiable differentiation between national and foreign sources of supply.

No unjustifiable discrimination between Members with similar conditions.



Card 11: Harmonization SPS Annex A, Para. 3

Standard-setting organizations **11b**



- Codex = Joint FAO/WHO Codex Alimentarius Commission
- OIE = World Organization for Animal Health
- IPPC = International Plant Protection Convention (FAO)



Which standards?

Recognized international TBT standards

- Code of Good Practice for the Preparation, Adoption and Application of Standards (**Annex 3**)
- In November 2000 the TBT Committee adopted a decision on the principles considered important for the development of international standards (**G/TBT/9**).



Card 11: Harmonization

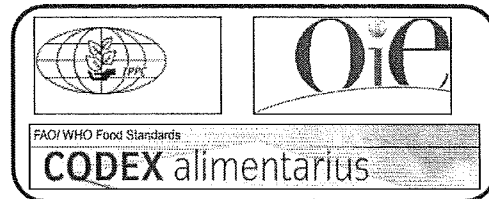
11a Codex, IEC, ISO and WHO develop the international standards explicitly recognized in the TBT Agreement

OR ?

11b Codex, IPPC, and OIE develop the international standards explicitly recognized in the SPS Agreement



Which standards?



TBT ???



Card 12: Justification of Measures

12a SPS measures which **conform** to an international standard are **presumed to be consistent** with the SPS Agreement.

OR ?

12b SPS measures which **conform** to an international standard **must be proven to be consistent** with the SPS Agreement.



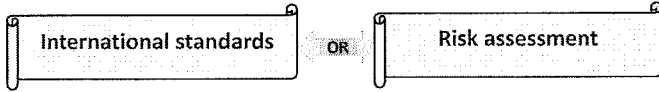


Card 12: Justification of Measures

SPS Article 3.2

SPS measures must be based on:

12a



Article 3.2:

“Measures that conform to international standards shall be deemed to be necessary to protect human, animal or plant life or health, and presumed to be consistent with the relevant provisions of this Agreement ...”



Justification of Measures

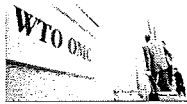
SPS Article 3.3

Members may take measures with higher level of health protection than international standards

if

they have a **scientific justification** or consequence of health level determined according to **risk assessment procedures**.

→ still must comply with all other provisions of SPS Agreement!



Risk Assessment

Definition – SPS Annex A

Food borne risk

- evaluation of the **potential** for adverse effects on human or animal health



Disease or pest risk

- evaluation of likelihood of entry, spread, and establishment
- according to the SPS measures which might be applied
- associated biological and economic consequences



Justification – TBT Measures

TBT Article 2.4

“Where technical regulations are required and **relevant** international standards exist or their completion is imminent, Members **shall use them**, or the relevant parts of them, as a basis for their technical regulations

EXCEPT

when such international standards or relevant parts would be an ineffective or inappropriate means for the fulfilment of the legitimate objectives pursued, for instance because of **fundamental climatic or geographical factors** or **fundamental technological problems**.” ...



Justification – TBT Measures

TBT Article 2.5

Whenever a technical regulation applied for one of the legitimate objectives explicitly identified is in accordance with relevant international standards, it shall be rebuttably presumed not to create an unnecessary obstacle to trade



Harmonization – SPS & TBT

- **Encourage use of international standards**
 - SPS identifies only Codex, IPPC, OIE
 - TBT does not identify which standard-setting bodies
- **Conformity presumption**
- **Right to be more stringent, but...**
 - SPS requires scientific justification or risk assessment
 - TBT requires indication that fundamental legitimate objectives cannot be met



Card 13: Appropriate Level of Protection (ALOP)

13a The appropriate level of health protection (ALOP) and the acceptable level of risk are **two different concepts**.

OR ?

13b The appropriate level of health protection (ALOP) is **sometimes called** the acceptable level of risk.



WTO OMC 27

Card 13: ALOP SPS Article 5.3; Annex A, para.5

13b

"In assessing the risk to animal or plant life or health, Members shall apply measures to achieve the appropriate level of protection (ALOP) from such risk, which is sometimes called the acceptable level of risk."



WTO OMC 28

Appropriate Level Of Protection (ALOP) SPS Annex A, para. 5

The level of protection deemed appropriate by the Member establishing a sanitary or phytosanitary measure to protect human, animal or plant life or health within its territory.

NOTE: Many Members otherwise refer to this concept as the "*acceptable level of risk*".



WTO OMC 30

Card 14: Consistency

14a Members should make each decision on what level of SPS risk they are prepared to accept independently, **without consideration of previous decisions**.

OR ?

14b In determining what level of SPS risk is acceptable and what risk mitigation measure to apply, a Member should seek **to be consistent with previous decisions** in comparable situations.



WTO OMC 32

Card 14: Consistency SPS Art. 5.5

14b

"with the objective of achieving consistency in the application of the concept of" the ALOP

Members shall avoid arbitrary or unjustifiable distinctions in the levels considered to be appropriate in different situations, if the distinction results in discrimination or a disguised restriction on trade



Committee Guidelines: G/SPS/15



WTO OMC 31

Card 15: Least Trade Restrictive

15a In deciding on a risk mitigation measure, Members must select the measure that is the **least restrictive of trade** but still achieves the desired objective, and is technically and economically feasible.

OR ?

15b Members are free to decide which risk mitigation measures they want to use **based on a national cost/benefit analysis**.



WTO OMC 32



Card 15: Least Trade Restrictive
SPS Article 5.6

15a

Once have determined the NEED
for an SPS measure

AND

Have determined the LEVEL of protection needed
must select

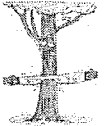
Least-trade restrictive measure
(technically and economically feasible)
to achieve level of health protection



TBT Least Trade Restrictive
TBT Art. 2.2

Technical regulations **shall not be more trade-restrictive than necessary to fulfil a legitimate objective**, taking into account the risks of non-fulfilment.

In assessing such risks, consider, *inter alia*, scientific and technical information, related processing technology or intended end-uses of products.



Card 16: Risk Assessment - Exception



Card 16: Risk Assessment - Exception
Provisional Measures, SPS Article 5.7

16b

16a In the absence of sufficient scientific evidence, Members **may not adopt** trade restricting SPS measures.

OR ?

16b In the absence of sufficient scientific evidence, Members **may adopt provisional** SPS measures based on available information.

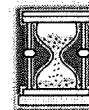


Members may provisionally adopt SPS measures:

- ✓ when relevant scientific information is insufficient
- ✓ on the basis of available information

In such circumstances, Members shall:

- ✓ seeks to obtain additional information to assess risk
- ✓ review the measure within a reasonable period of time



Card 17: Equivalence



Card 17: Equivalence
TBT Article 2.7

17a

17a Members **are encouraged** to accept foreign technical regulations as "equivalent" to their own, but do not have the obligation to do so.

OR ?

17b A Member **must** accept foreign technical regulations as "equivalent" to its own, if the exporting Member demonstrates that the technical regulations fulfil the objectives sought.



- Positive consideration to accepting as equivalent technical regulations of other Members
- Provided that they adequately fulfil the objectives of their own regulations



Members are **encouraged**, at the request of other Members, to be **willing to enter into negotiations** for the conclusion of agreements for the mutual recognition of results of each other's conformity assessment procedures. (TBT Article 6.3)

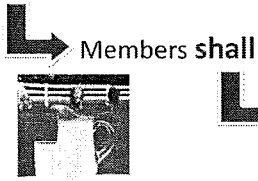




SPS Equivalence

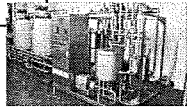
SPS Article 4.1

If the exporting Member objectively demonstrates that its measures achieve the ALOP of the importing country



accept SPS measures of other Members as equivalent

SPS Committee Guidelines
(G/SPS/19/Rev.2)



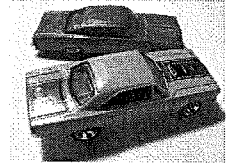
Equivalence – SPS & TBT

SPS

- Acceptance of equivalent measures
- Condition: meets ALOP of importer
- Exporter to demonstrate
- Access to importer
- Bilateral and multilateral agreements

TBT

- Consider acceptance of equivalent regulations
- Condition: adequately fulfill the objective of the importer
- Mutual recognition agreements / conformity assessment procedures



Card 18 - Regionalization

18a To gain recognition of a pest- or disease-free area, an exporting Member has to provide the necessary proof.

OR ?

18b An importing Member shall recognize a pest- or disease-free area unless it has evidence that the area is not really pest- or disease-free.



Card 18 - Regionalization

SPS Article 6

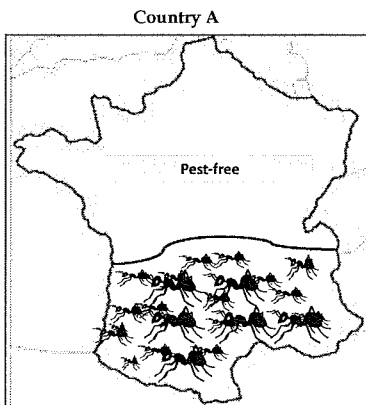
18A

- Adapt SPS measures to characteristics of area (all or part of a country, all or parts of several countries) taking into account
 - prevalence of diseases or pests
 - existence of eradication or control programmes
 - criteria/guidelines developed by "sisters"
- Recognize concept of pest- or disease-free areas
- Exporters=>proof (Article 6.3)



Card 18 - Regionalization

SPS Article 6



- Should trading partners restrict imports from all areas of Country A?
- Should trading partners only restrict imports from the Southern part of Country A?
- Should trading partners only restrict imports from the Northern part of Country A?

Exports → Trading partners



Card 19: Notification of proposed Measures

19a A proposed SPS or TBT measure, which may affect international trade and which is not based on international standards, **shall be notified at an early draft stage** when changes can still be made.

OR ?

19b A proposed SPS or TBT measure, which may affect international trade and which is not based on an international standards, shall be notified **as soon as it enters into force.**





Card 19: Notification of SPS or TBT measures

19a

If

A relevant international standard **does not exist**, or the measure is **not in accordance** with relevant international standards

The measure may have a **significant effect on trade** of other Members

+



The measure shall be notified

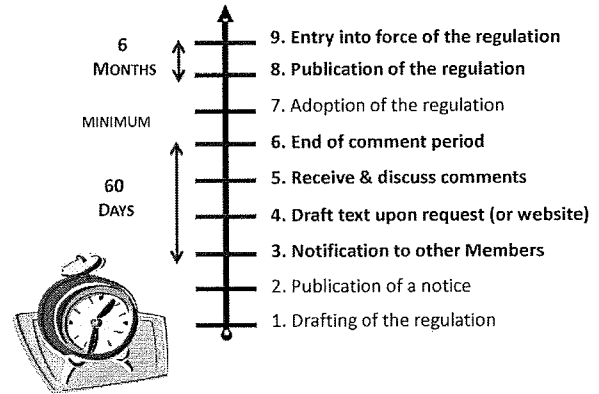


53



Regulatory Timeline – When to notify?

Except in URGENT Situations



53



Card 20: Control, Inspection & Approval Procedures

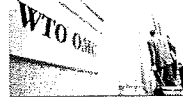
20a Governments can charge **higher fees** for control, inspection and approval procedures of imported products compared to fees for domestic products.

OR ?

20b Governments **cannot charge higher fees** for control, inspection and approval procedures on imported products than for domestic products.



57



Card 20: Control, Inspection & Approval Procedures

20a

SPS Annex C, para. 1(f):

"Any fees imposed for the procedures on imported products are equitable in relation to any fees charged on like domestic products or products originating in any other Member and should be no higher than the actual cost of the service."



58



Card 20: Control, Inspection & Approval Procedures

TBT para. 5.2.5:

Any fees imposed for assessing the conformity of imported products are equitable in relation to any fees chargeable for like domestic products, taking into account communication, transportation and other cost differences....between location of facilities



59



Conformity Assessment – SPS & TBT

SPS

- Control, inspection and approval procedures
- Non discriminatory
- Without undue delay
- Fees only to cover costs
- If national approval system for additives/tolerances: use int'l standards

TBT

- Conformity evaluation procedures
- Non discriminatory
- Non disguised restriction
- Harmonization



60



Card 21: Applicability

Card 21: Applicability

21b

21a The TBT and SPS Agreements apply in the same manner to all levels of government (central, local etc.), but **do not concern** non-governmental bodies.

OR ?

21b The TBT and SPS Agreements apply fully to central government bodies, and **also concern**, to some extent, local government and non-governmental bodies.



- **TBT Article 3: Preparation, Adoption and Application of Technical Regulations by Local Government Bodies and Non-Governmental Bodies**

With respect to their local government and non-governmental bodies within their territories: Members shall take such reasonable measures as may be available to them to ensure compliance by such bodies with the provisions of Article 2.

- **TBT Article 4: Preparation, Adoption and Application of Standards**
Members shall [...] ensure that local government and non-governmental standardizing bodies within their territories [...] accept and comply with this Code of Good Practice.

62



Card 21: Applicability

21b

SPS Article 13: Implementation

- Members shall formulate and implement positive measures and mechanisms in support of the observance of the SPS Agreement by other than central government bodies.
- Members shall take such reasonable measures as may be available to them to ensure that non-governmental entities within their territories, as well as regional bodies in which they are members, comply with the relevant provisions of the SPS Agreement.
- Members shall ensure that they rely on the services of non-governmental entities for implementing sanitary and phytosanitary measures only if these entities comply with the provisions of the SPS Agreement.

63



THANK YOU !

Questions ?

Gretchen.Stanton@wto.org

SPS Gateway

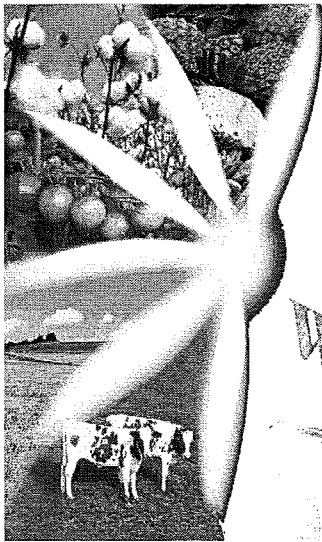
<http://www.wto.org/sps>

TBT Gateway

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

附件三：SPS 及 TBT 協定委員會扮演角色

Functions and Procedures of the SPS and TBT Committees



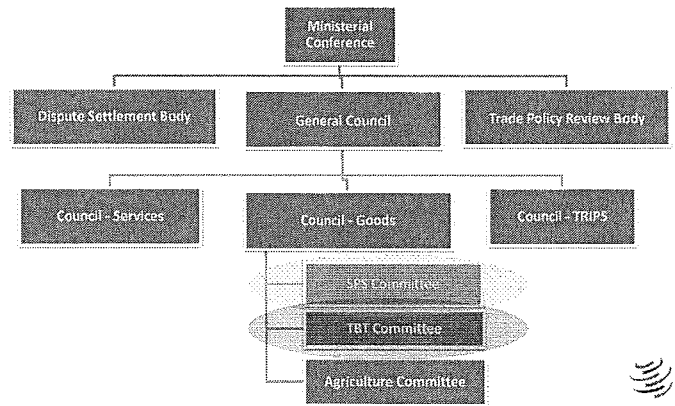
Functions and Procedures of the SPS and TBT Committees



Serra Ayrat and Gretchen H. Stanton
World Trade Organization



WTO: The Structure



Card 1: SPS Committee *Who is on it?*

1a The SPS Committee is open to:
participation by agricultural producer and exporter associations, industry representatives, and the general public can participate as observers

1b The SPS Committee is open to:
WTO Members, observer governments and observer international intergovernmental organizations



Card 1: SPS Committee *Who is on it?*

- All 161 WTO Members
- Observer governments (acceding members)
- Intergovernmental organizations

4 new WTO Members in 2012:
Montenegro, Russia, Samoa, Vanuatu

2 new WTO Members in 2013:
Lao PDR, Tajikistan

1 new WTO Member in 2014: Yemen

1 new WTO Member in 2015: Seychelles



1B



Card 1: SPS Committee *Who is on it?*

SPS Committee

1B

Observers:

- Codex, IPPC and OIE
- FAO, WHO, UNCTAD, World Bank, IMF, ITC, ISO

Ad hoc Observers:

- ACP Group, AU, CEN-SAD, COMESA, ECCAS, ECOWAS, EFTA, GSO, IGAD, IICA, OECD, OIRSA, SADC, WAEMU

Pending requests:

- Asian Pacific Coconut Community, CABI, CBD, CITES, ICCO, International Vine and Wine Office (OIV)



TBT Committee *Who is on it?*

TBT Committee

1B

Observers

- ACP Group, Codex, IEC, IMF, FAO, ISO, ITC, OECD, OIE, UNCTAD, UNECE, WHO, World Bank

Ad hoc Observers:

- ALADI, ARSO, BIPM, EFTA, GSO, IGAD, OIML, SADC, ITU, UNIDO

Pending requests:

- CITES, CBD, GOIC, IAF/ILAC, OIV





Card 2: SPS Committee Meetings
Standing Agenda Items

2a The SPS committee only considers issues specifically mentioned in the SPS Agreement

2b The SPS Committee can consider any issue raised by Members that is included on the agreed agenda

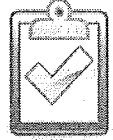


Card 2: SPS Committee Meetings
Standing Agenda Items

SPS Committee

2B

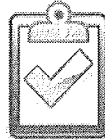
- Activities of Members
- Specific trade concerns
- Transparency
- Special and differential treatment
- Equivalence
- Pest- or disease-free areas
- Technical assistance
- Review of SPS Agreement
- Monitoring use of international standards
- Observers (updates + new requests)
- Other business



TBT Committee
Standing Agenda Items

TBT Committee

- Statements under Article 15.2
- Specific trade concerns
- Exchange of experiences (transparency, conformity assessment, standards, good regulatory practice etc.)
- Technical assistance activities
- Review of TBT Agreement
- Observers (updates + new requests)
- Other business



Card 3: SPS Agreement Review

3a The operation and implementation of the SPS Agreement is reviewed by the SPS Committee every 4 years

3b SPS Committee Members decide if and when to undertake a review of the operation and implementation of the SPS Agreement



Card 3: SPS Agreement Review

3A

- **Article 12.7:**
3 years after entry into force
– First Review completed March 1999 (G/SPS/12)
- **2001 Ministerial Decision:**
reviews at least every 4 years
– Second Review completed June 2005 (G/SPS/36)
– Third Review completed March 2010 (G/SPS/53)
– Fourth Review – report adoption pending (G/SPS/W/280/Rev.2)

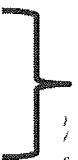


Card 3: SPS Agreement Review

3A

Proposals put forward for the Fourth Review:

- **Canada (G/SPS/W/279) + Kenya**
Catalogue of instruments available to WTO Members for the management of SPS issues
- **The European Union (G/SPS/W/278) + Chile, Morocco, Norway**
Review of the implementation of transparency provisions of the SPS Agreement (Article 7 and Annex B)
- **South Africa**
Assessment of risk and determination of the appropriate level of sanitary phytosanitary protection ALOP (Article 5.4)
- **The United States of America (G/SPS/W/275)**
Workshop on risk analysis (13-14 October 2014)





TBT Triennial Reviews TBT Article 15.4

TBT Committee mandated to review the operation and implementation of the TBT Agreement every 3 years

Sixth Triennial Review (2012): recommendations for thematic sessions for more in-depth discussions; guidance on good regulatory practice; online notification submission system...(G/TBT/32)

Seventh Triennial Review (2015) report adopted ad referendum in November 2015: recommendations for thematic sessions (RIA, conformity assessment, technical assistance); development of Enquiry Point manual; notification alert mechanism...



Card 5: SPS Committee Meetings

5a The SPS Committee usually holds regular meetings **three times per year**, including informal meetings to address particular issues, as necessary

5b The SPS Committee holds regular meetings only **when there are issues to discuss** and at the request of the Members of the Committee



Card 5: SPS Committee Meetings

5A

- **3 regular meetings per year**
 - ❖ often preceded by informal meetings to discuss specific topics (S&D, Third review, Private Standards, Ad Hoc consultations, etc...)
- **Special meetings/workshops**
 - ❖ for example on TA, transparency-enquiry points, SPS coordination, etc...



Card 5: SPS Committee Meetings

5A

2014

13-17 October 2014 SPS informal and formal meetings
(Workshop on SPS Risk Analysis)

2015

24-26 March 2015 SPS informal and formal meetings

14-16 July 2015 SPS informal and formal meetings

12-13 October 2015 Workshop on Transparency
14-16 October 2015 SPS informal and formal meetings



TBT Committee Meetings

2015

17-19 March 2015 TBT informal and formal meetings

16-18 June 2015 TBT informal and formal meetings

3-6 November 2015 TBT informal and formal meetings
TBT@20 event

2015 Thematic Sessions (informals):

- ❖ Discussion of proposals under the Seventh Triennial Review



Card 8: SPS Committee Decision-making – Article 12.1

8a The decisions of the SPS Committee are reached by consensus

8b The decisions of the SPS Committee are reached by majority vote





Card 8: SPS Committee Decision-making – Article 12.1

8A

- All decisions in the SPS Committee and TBT Committees are taken by **consensus**



- A consensus is defined on the basis that no WTO member, **present at the time** a decision is taken, **voices an objection**.



Card 10: SPS Committee Guidelines

- 10a The SPS Committee can identify, discuss and develop **guidelines** and recommendations which facilitate the implementation of the SPS Agreement

- 10b The SPS Committee **cannot develop guidelines** but only discuss the implementation of the SPS Agreement as contained in the legal text of the Agreement



Card 10: SPS Committee Guidelines

10A

The SPS Committee has developed guidance for implementation of:

- Transparency (G/SPS/7/Rev.3)
- Equivalence (G/SPS/19/Rev.2)
- Consistency (G/SPS/15)
- Regionalization (G/SPS/48)
- Special and Differential Treatment (G/SPS/33/Rev.1)
- Good Offices of SPS Chair (G/SPS/61)



TBT Committee Guidelines

The TBT Committee has developed guidance contained in G/TBT/1/Rev.12 on

- Good regulatory practice
- Conformity assessment
- Standards
- Development of international standards
- Transparency
- Technical assistance and special and differential treatment



Card 11: Specific Trade Concerns

11a Only developing country Members can raise a specific complaint about SPS measures imposed by other Members in the SPS Committee.

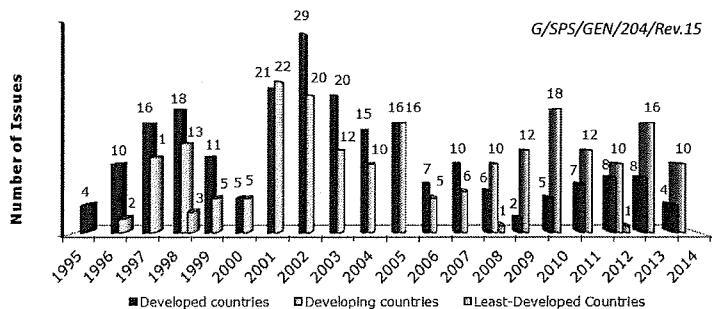
11b All Members can raise a specific complaint about SPS measures imposed by other Members in the SPS Committee.

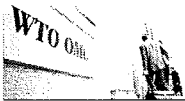


Card 11: SPS Specific Trade Concerns 1995-2014

11B

382 Total

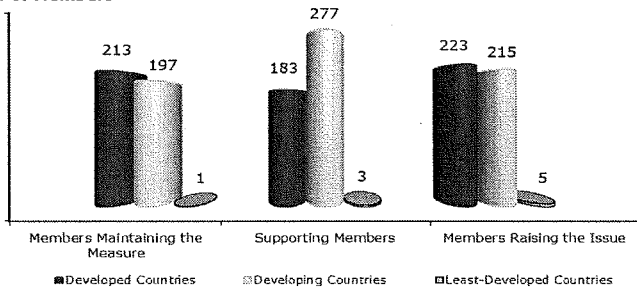




SPS Specific Trade Concerns 1995-2014

11B

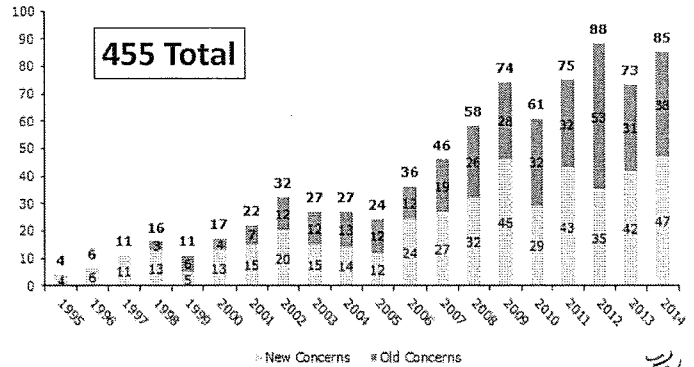
Number of Members



G/SPS/GEN/204/Rev.15



TBT Specific Trade Concerns 1995-2014

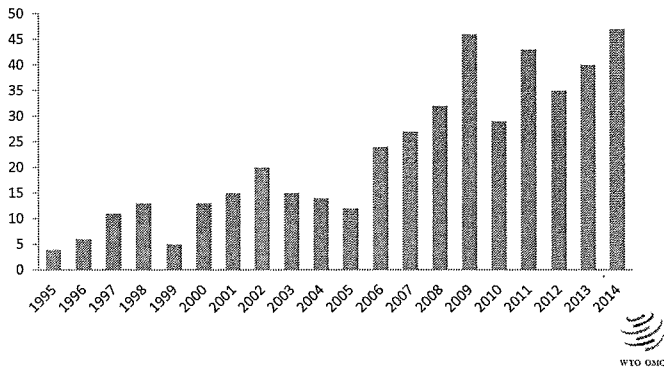


TBT Specific Trade Concerns 1995-2014



Card 12: Specific Trade Concerns On the agenda

Developed Members Mixed Developing Members



12a A specific trade concern can be raised at any time during a meeting of the SPS Committee.

12b To include a specific trade concern on the agenda of the SPS Committee meeting Members should: (i) submit the request identifying the concern in writing to the SPS Secretariat at least 11 calendar days before the meeting; and (ii) inform the other Member(s) of the complaint at that time.



Card 12: Specific Trade Concerns On the agenda



Card 13: Chairperson Good offices of the Chair

12B

To include a specific trade concern on the agenda of the SPS (or TBT) Committee meeting Members should:

- Communicate intention to raise an STC for inclusion in Committee Meeting Agenda
 - At least 11 calendar days before the meeting
 - In writing
 - Inform the other Member concerned



13a The Chairperson of the SPS Committee is available to provide good offices, upon request, to assist with the resolution of trade concerns.

13b The Chairperson of the SPS Committee is mandated to judge whether a Member is acting in conformity with the SPS Agreement whenever a specific trade concern is raised.





Card 13: Chairperson
Good offices of the Chair

13A

SPS Article 12.2

“The Committee shall encourage and facilitate ad hoc consultations or negotiations among Members on specific sanitary or phytosanitary issues. [...]”

Procedure recently adopted in the SPS Committee
(G/SPS/61)



Card 15: SPS Committee
Chairperson

15a The SPS Committee is led by a chairperson, elected at the first meeting of every year.

15b The SPS Committee is led by the SPS Secretariat of the World Trade Organization.



Card 15: SPS Committee
Chairperson

15A

The SPS Committee is led by a **CHAIRPERSON**
Elected at the first meeting of *every year*.

Current Chair SPS: Mr Felipe Hees (Brazil)
Current Chair TBT: Ms Alana Lanza (Honduras)



Card 16: Members
Proposed agenda

16a Members receive the proposed agenda containing all issues to be discussed in the Committee at the beginning of each meeting

16b Members receive an airgram prepared by the Secretariat, containing the proposed agenda of issues to be discussed in the Committee, 10 days before the meeting



Card 16: Members
Proposed agenda

16B

Members receive an airgram prepared by the Secretariat

containing the proposed agenda of issues to be discussed in the Committee

10 days before the meeting

G/SPS/1, Para. 2; G/TBT/1/Rev.12, Part 2



Card 18: Chairperson
Selection

18B

18a The Chairperson of the SPS Committee is normally selected from among food safety, veterinary or plant protection scientific experts

18b The Chairperson of the SPS Committee is normally selected from among Members' Geneva-based delegates





**Card 20: SPS Committee
Guidelines/Recommendations**



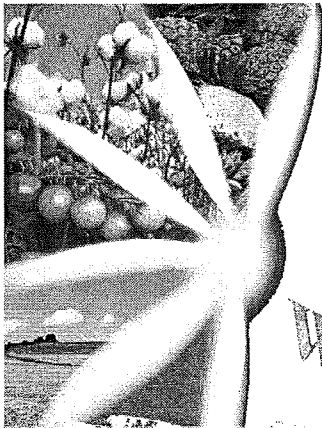
**Card 20: SPS Committee
Guidelines/Recommendations**

20B

20a The decisions and guidelines adopted by the SPS Committee are legally binding and must be followed by governments.

The decisions and guidelines adopted by the SPS Committee cannot add to or detract from the legal obligations of WTO Members.

20b The decisions and guidelines adopted by the SPS Committee cannot add to or detract from the legal obligations of WTO Members.



THANK YOU !

Questions ?

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Serra.ayral@wto.org



SPS Gateway

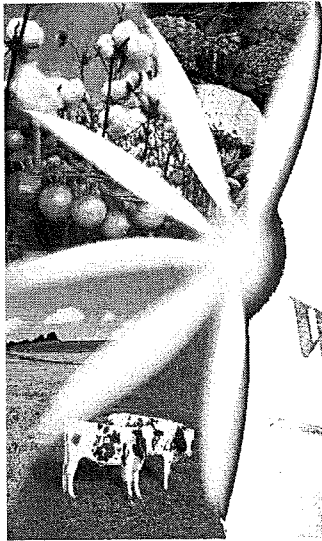
<http://www.wto.org/sps>

TBT Gateway

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

附件四：SPS 及 TBT 之透明化原則

Transparency in the SPS and TBT Agreements



Transparency in the SPS and TBT Agreements



Serra Ayrar and Gretchen H. Stanton
World Trade Organization



Why Transparency?

- Regulatory requirements
 - changes may affect market access
- Enhance clarity, predictability
 - facilitate trade & reduce trade disruptions
- Advance warnings
 - more time to adapt
- Improve accountability & responsiveness of regulatory system
 - seek info, consult, comment



Transparency in the SPS/TBT Agreements

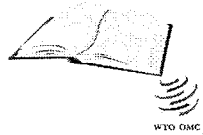
Main Elements

MAIN OBLIGATIONS

- | | |
|---|-----------|
| 1. Designation of <i>notification authority</i> : | SPS & TBT |
| 2. Establishment of <i>enquiry point</i> | SPS & TBT |
| 3. <i>Notification</i> of draft regulations | SPS & TBT |
| 4. <i>Publication</i> of regulations: | SPS & TBT |
| 5. Statement of Implementation | TBT |
| 6. Notifications from Standardizing Bodies | TBT |

BEYOND OBLIGATIONS

- Taking advantage of transparency.



WTO OMC



Transparency in the SPS Agreement

Reference documents

SPS Agreement: Article 7 & Annex B

SPS Committee Decision: G/SPS/7/Rev.3

« Major Decisions and Documents »

➤ Procedural step-by-step manual



Transparency in the TBT Agreement

Reference documents

TBT Agreement: 2.9.2, 2.9.3 (technical regulations);
5.6.2, 5.6.3 (CAP); 10 (EP, NNA); 15.2 (statement of
implementation); Annex 3 (Code of Good Practice)

TBT Committee Recommendations
G/TBT/1/Rev.12, Section 4 and Annexes



WTO OMC

Transparency in SPS measures

Card Exercise



WTO OMC



Card 1 - Language of Notification?



Card 1 - Language of Notification?

SPS Annex B, para.7

1A

1a SPS Notifications shall be submitted to the WTO in English, French and/or Spanish.

OR ?

1b Developing Country Members may submit SPS notifications in their own national languages.

“Notifications to the Secretariat shall be in English, French or Spanish.”



The three official languages of the WTO.



Card 2 - When to notify?



Card 2 - When to notify?

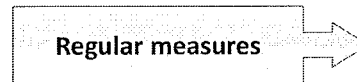
SPS Annex B, para. 5b

2B

2a Regular notifications shall be made soon after the SPS regulation has entered into force.

OR ?

2b Regular notifications shall be made at an early stage when amendments can still be introduced and comments taken into account before an SPS regulation is finalized.



Draft text When modifications are still possible !

“...notifications shall take place at an early stage, when amendments can still be introduced and comments taken into account.”

Same for TBT Notifications (Articles 2.9 & 5.6)



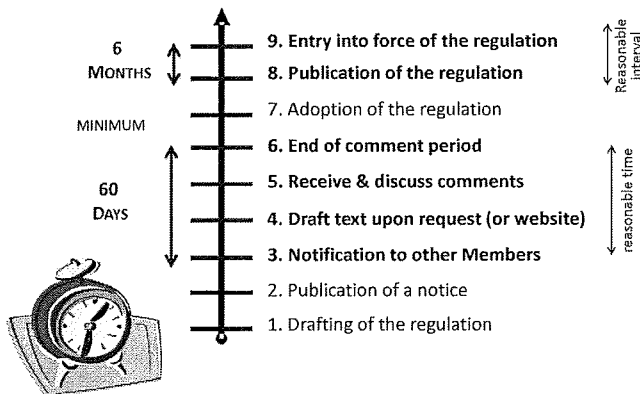
Regulatory Timeline

Except in URGENT Situations



What if measure contains both SPS and TBT elements?

- Notify according to both Agreements
- Indicate which parts fall under:
 - SPS (e.g., a food safety measure)
 - TBT (e.g., quality or compositional requirements)





Card 3: When to publish?

3a A reasonable period of time (normally 6 months) shall be allowed between the adoption of an SPS regulation and its publication, but its **entry into force** should occur **immediately after publication**.

OR ?

3b Any adopted SPS regulation shall be promptly published and a reasonable period of time (normally 6 months) shall be allowed **between its publication and its entry into force**.

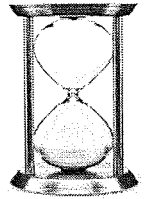


Card 3: When to publish?

Annex B, para. 1 & 2

3B

- Members to publish all adopted regulations promptly...
- ...Except in urgent circumstances, allow reasonable interval between publication and entry into force



Normally, the date of **entry into force** is

6 months after date of publication

(Doha Ministerial Decision;

G/SPS/7/Rev.3, para. 60; G/TBT/1/Rev.12, para.4.3.1.8



Card 4: Who notifies?

Annex B, para. 10 & G/SPS/7/Rev.3 para.4

4a The submission of notifications, provision of answers to all reasonable questions and the provision of relevant documents is the responsibility of the **Enquiry Point**.

OR ?

4b The implementation of the provisions concerning notification procedures falls under the responsibility of a single central government authority: **the National Notification Authority**.



Card 4: Who notifies?

SPS Annex B, para. 10 & G/SPS/7/Rev.3 para.4

4B

❖ National Notification Authority (NNA)

Single central government authority responsible for the implementation of notification procedures e.g., agency responsible for food safety, animal and plant health

→ Only **1** NNA



❖ "Notification Authority" - TBT (Art. 10.10).

Designation of a **single central government authority** responsible at the national level for TBT notification obligations .



Card 4: Who notifies?

4B

❖ National Notification Authority (NNA)

- Notifies other Members through WTO at an early stage (or immediately for emergency measures) to allow for comments/amendments
- Provides copies of proposed regulations upon request
- Ensures that comments are handled correctly



National Enquiry Point

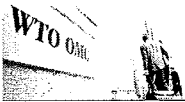
SPS Annex B, para. 3

Enquiry Point – SPS & TBT (TBT Arts. 10.1, 10.3)



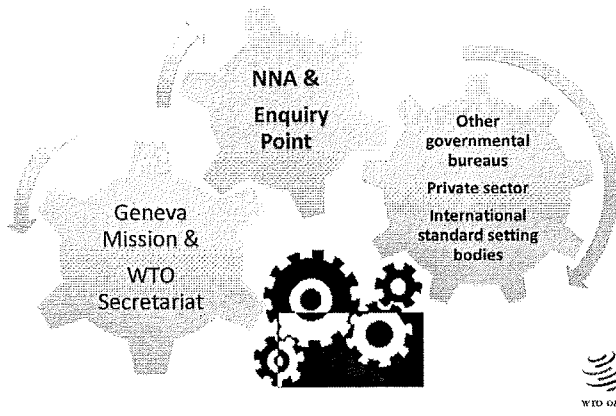
Provides **answers** and **documentation** to all reasonable questions from other interested Members, including on SPS/TBT regulations adopted or proposed within its territory.

- Can have more than one but clearly define responsibilities.
- Can be same as NNA.



Making it work

NNA & NEP



Beyond Obligations

NNA & NEP

Enquiry Point or National Notification Authority could:

- **Collect/disseminate**
 - SPS & TBT documents
 - SPS & TBT notifications
- **Alert** relevant government agencies, private sector of SPS & TBT notifications that could affect exports
- **Coordinate** comments on other countries' notifications
- **Follow-up** on comments submitted



Card 5: When to notify?

5a An emergency SPS measure shall be notified to the WTO **immediately** after its implementation.

OR ?

5b An emergency SPS measure is **exempted from being notified** to the WTO.



Card 5: When to notify?

SPS Annex B, para 6(a)

5A

Emergency measures

IMMEDIATELY !

Immediately notify other Members through the WTO Secretariat of the regulation and products covered:

- Brief indication of the objective
- Rationale of the regulation TBT Agreement Articles 2.10 and 5.7
- Nature of the urgent problem(s)



Card 6: Which format ?

6a A revision to a notification **replaces** the original notification.

OR ?

6b Addenda, revisions and corrigenda should be **read in conjunction** with the original notifications.



Card 6: Which format ?

G/SPS/7/Rev. 3, para. 35 & 39

6A

In addition to original notifications

Members can provide additional information or changes to an original notification:

- Corrigendum – correct an **error**
- Addendum – changes/**updates**
- **Revision** – replacement of original notification

Read in conjunction with original notification

Possible for Regular and Emergency Notifications

TBT reference: G/TBT/1/Rev.12, Annex 3





Card 7: Translations of regulations which are not in WTO working languages

7a Developed country Members shall provide, upon request, copies of documents related to a specific notification in English, French or Spanish.

OR ?

7b All Members shall provide, upon request, copies of documents related to a specific notification in English, French or Spanish.



WTO OMC 25



Card 7: Translations of regulations which are not in WTO working languages

7A

Upon request, **developed countries** to provide translation of regulation or its summary in English, French, or Spanish.



SPS Annex B, para. 8
TBT Article 10.5



WTO OMC 25



Card 8: Comment Period?

8a In the case of regular notifications, Members are only obliged to consider any comments received within **10 days** of the circulation of the notification.

OR ?

8b In the case of regular notifications, Members should allow at least **60 days** for interested trading partners to make comments.



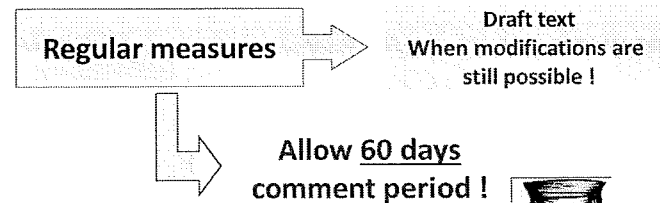
WTO OMC 27



Card 8: Comment Period?

Annex B, para 5 (d) & G/SPS/7/Rev.3, para.13

8B



TBT Recommendation:
G/TBT/1/Rev.12, para 4.3.1.6

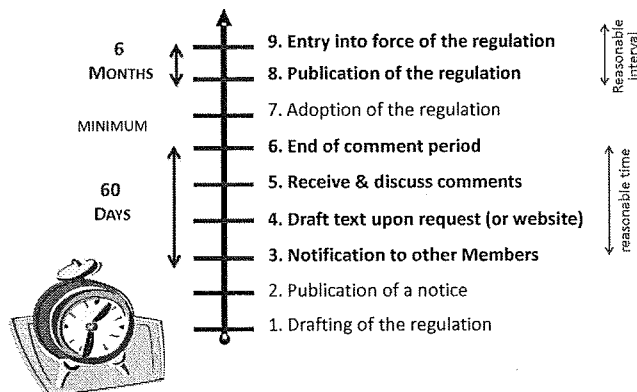


WTO OMC 24



Regulatory Timeline

Except in URGENT Situations



WTO OMC 29



Card 9: What to submit along with the notification?

9a Members should, whenever possible, provide a hyperlink or electronic version of the **proposed regulation** with the notification, and shall in any case provide a copy upon request.

OR ?



9b Only developed country Members are obliged to attach a copy of the **proposed regulation** to the notification.

30



Card 9: What to submit along with the notification?

9A

- Provide **copies of the proposed regulation** to other Members - *upon request*
- Provide the **website address** or a specific hyperlink to these documents - *if the relevant documents are available from a website*



SPS Agreement: Annex B, para 5 (c) & para. 6(b)
G/SPS/7/Rev.3, para 18

TBT Agreement: Article 2.10.2
G/TBT/1/Rev.12, para. 4.4.2



Card 10: What to notify?

10a An SPS regulation shall be notified to the WTO when (i) it is new or modified; (ii) when an international standard does not exist or it does not conform to it; and (iii) if the regulation may have a **significant effect on trade**.

OR ?

10b An SPS regulation shall be notified to the WTO when (i) it is new or modified; (ii) when an international standard does not exist or it does not conform to it; and (iii) if the regulation may have a **negative impact on trade**.



Card 10: What to notify? SPS

Annex B, para. 5

10A

New or modified regulation



Significant impact on trade (restricting or facilitating)



No existing international standard

or

Different than the international standard

CODEX (food) * IPPC (plants) * OIE (animals)



Notify also measures based on International Standard!

2008 Transparency Procedures (para. 8)

NOTIFY !

WTO OMC 13



Card 10: What to notify? TBT

New or modified TR/CAP



Significant impact on trade (restricting or facilitating)



No existing relevant international standard

or

Not in accordance with relevant international standard



Encouraged to notify also measures in accordance with int'l standards!

G/TBT/1/Rev.12, para.4.3.1.3

NOTIFY !

14



Significant effect on trade?

- ...one regulation and/or conformity assessment procedure or a combination
- ...one product, groups of products or products in general
- ...between two or more Members
- ...the value or importance to either importing and/or exporting Members concerned, individually or collectively
- ...potential growth of such imports
- ...difficulties for producers in other Members to comply with the proposed regulations



WTO OMC



What else to notify? TBT Statement of Implementation

- On existing measures or their changes, to ensure implementation of TBT Agreement (Art. 15.2):
 - Relevant laws and regulations
 - Time allowed for comments;
 - Name and address of enquiry point(s), other national authorities and agencies;
 - Measures ensuring national and sub-national authorities provide early information on their proposals
 - Names of publications that announce draft technical regulations or standards and conformity assessment procedures



WTO OMC



What else to notify? TBT Code of Good Practice Notifications

- **Notification obligations for standardization bodies:**
Parallel notification to both ISO/IEC Information Center and WTO
 - Acceptance of, or withdrawal from Code of Good Practice for the Preparation, Adoption and Application of Standards (Annex 3.C);
 - Name and address of body, scope of current and expected standardization activities
 - Publish work programme at least every 6 months (Annex 3.J)



What else to notify? TBT Bilateral or plurilateral Agreements

- Notification of bilateral or plurilateral agreements on issues related to technical regulations, standards or conformity assessment procedures (Art. 10.7), which should include the following information:
 - Title of Agreement, Parties, Date of Entry into force
 - Subject matter
 - Covered products
 - Brief description



Card 11: How to access translations of regulations?

11a Any Member possessing an unofficial translation of a document relating to a notification is encouraged to inform the notifying Member and should **submit the translation** to the WTO.

OR ?

11b Members should **refrain from** making available unofficial translations of documents relating to a notification by another Member.

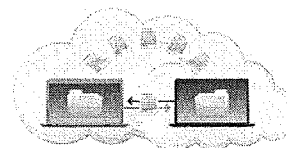


Card 11: How to access translations of regulations?

11A

Members are encouraged to share unofficial translations of documents relating to a notification with each other and the Secretariat (supplement format)

G/SPS/7/Rev.3, para. 28
G/TBT/1/Rev.12, para. 4.4.3



Card 12: Special & Diff. Treatment

12a Special and Differential treatment can only be requested **before** the notified measure is adopted and before it enters into force.

OR ?



12b Special and Differential treatment can be requested **even after** the entry into force of a new regulation (including an emergency measure).



Card 12: Special & Diff. Treatment G/SPS/33/Rev.1, Par. 5

12B

“If following the adoption or entry into force of a new or modified measure (including an emergency measure), an exporting developing country Member identifies significant difficulties which its exports face in complying with the measure, **it may request an opportunity** to discuss its difficulties with the importing Member...”





Card 13: Equivalence

13a A Member who **recognizes** another Member's SPS measure as equivalent to their requirements should notify this to the WTO.

OR ?

13b Members shall notify to WTO their **intention to recognize** as equivalent other Member's sanitary and phytosanitary measures.



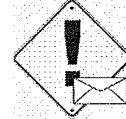
Card 13: Equivalence

G/SPS/7/Rev. 3, para. 44

13A

Members which have made a determination recognizing the equivalence of SPS measures of another Member or Members shall notify other Members through the Secretariat of:

- the measure recognized to be equivalent; and
- the products affected by this recognition.



Card 14: Notifying... pest outbreaks & disease outbreaks?

14a WTO Members must notify to the WTO any disease/pest outbreaks within 24 hours after they have occurred.

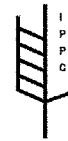
OR ?

14b Pest outbreaks and disease outbreaks should be notified to the **IPPC and OIE**, respectively, according to their relevant procedures.

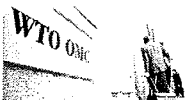


Card 14: Notifying... pest outbreaks & disease outbreaks?

Pest and disease outbreaks should be notified to the **IPPC and OIE** respectively,



according to their relevant procedures.



Card 15: SPS-IMS SPS Information Management System

15a The latest Enquiry Point contact information is available from the **SPS Information Management System (SPS IMS): www.spsims.wto.org**

OR ?

15b Enquiry Point contact information is **updated on an annual basis** by the WTO Secretariat.



Card 15: SPS-IMS SPS Information Management System

15A

WORLD TRADE ORGANIZATION

SPS information Management

15A

Home | SPS Gateway | Home

Creation

Notification

System: create new notification

Other: edit notification

Search

Notification

Report

Enquiry Point Lists

Home

SPS Gateway

Home

SPS Information Management System (SPS IMS) provides access to documents and records relevant under the WTO Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement).

The SPS IMS allows users to track information on SPS measures that Member governments have notified to the WTO, specific trade concerns raised in the SPS Dispute Settlement Body, and the membership of the WTO, Codex, IPPC, and the OIE.

The system's structure for searching notifications follows very closely the actual notification types and their formats. For further information on notifications please click on the desired function from the menu bar on the left. You may wish to undertake a "search", prepare a "custom report", or view one of the "pre defined reports" you can decide which fields you wish to see in your search results. You can enter one or more criteria to refine your search. Alternatively, search by title. For free text searches, for example under the "notification of content" tabs of notifications, use quotation marks to find exact matches. For terms. You can export as search and custom report results to Excel. The default report provides more detailed reports on regularly created by the WTO SPS Secretariat.

According to the Verbal Note contained in document WT/L/779, by virtue of the Treaty of Lisbon, as of 1 December 2009 the European Union replaces and succeeds the European Communities in all its international obligations.

For further information on how to use the system, please click on the "Enquiry Point Lists" link in the navigation menu.

Enquiry Point Lists

www.spsims.wto.org

WTO OMC



TBT Information Management System

TBT IMS → <http://tbtims.wto.org>

WORLD TRADE ORGANIZATION

TBT Information Management System

TBT Overview | Info | Contact us | Sign up | English | Spanish | French

Home

Search

Regular TBT Notifications

Other TBT Notifications

Technical enquiries

Specific trade concerns

Data Reports

Custom reporting

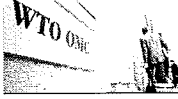
Prepared reports

The Technical Barriers to Trade Information Management System (TBT IMS) is a publicly available database of transparency information provided by WTO Members in relation to technical regulations, conformity assessment procedures, and standards. The objective of the TBT IMS is to enhance implementation of the transparency provisions of the *Technical Barriers to Trade Agreement*. It provides access to: WTO Members' notifications of technical regulations and conformity assessment procedures (including subsequent revisions, addenda, corrigenda, and supplements); notifications of bilateral or plurilateral agreements between Members on TBT measures; notifications from standardizing bodies in relation to the Code of Good Practice; contact information for Members' TBT Enquiry Points and Notification Authorities; as well as information on specific trade concerns raised in the TBT Committee. This information is available in the three official languages of the WTO: English, Spanish and French (In order to change language, please use links above).

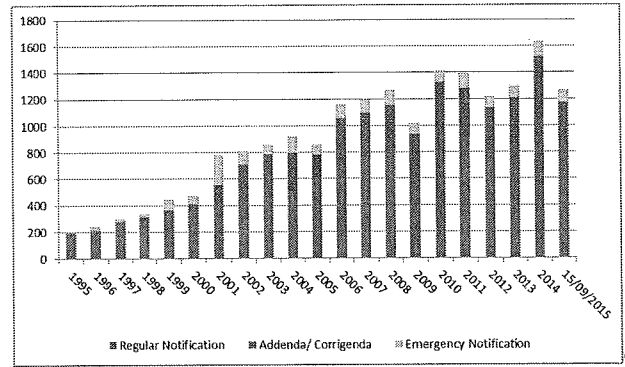
Please select a function in the menu on the left.

Transparency Counter

Regular Notifications	17847
Addenda / Corrigenda	3376
Revision	227
Specific trade concerns	403



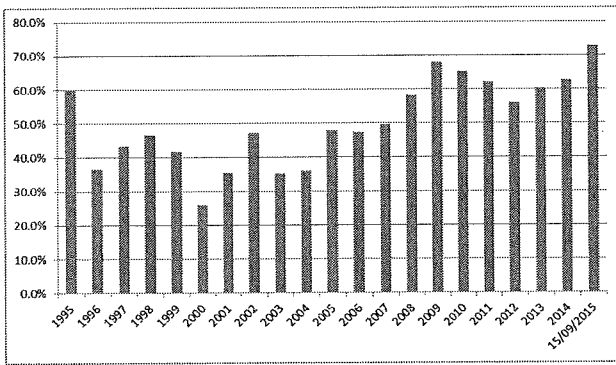
Total SPS Notifications 1995-2015 (Sept)



Source: G/SPS/GEN/804/Rev.8



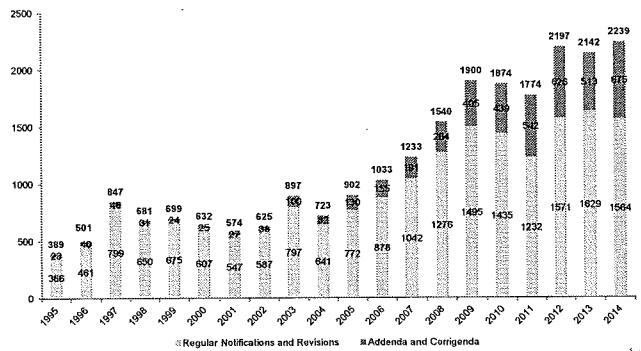
Share of SPS notifications by developing countries, 1995-2015 (Sept)



Source: G/SPS/GEN/804/Rev.8



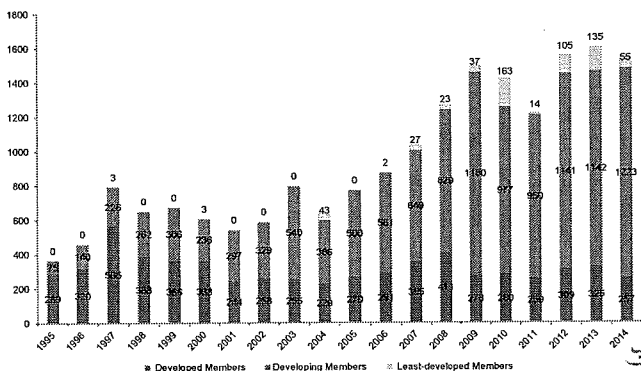
Total TBT Notifications 1995-2014



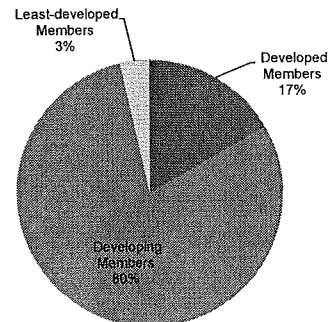
Source: G/TBT/36 Annual Review



New TBT notifications by development status, 1995-2014



New notifications, by development status, 2014





SPS: EP, NNA and Notifications

Member/Observer	SPS Enquiry Points	SPS NNA	Regular SPS Notification	Emergency SPS Notification
Bangladesh	✓	✓	0	0
Bhutan	-	-	-	-
Cambodia	X	X	0	0
Chinese Taipei	✓	✓	379	16
Hong Kong	✓	✓	27	15
India	✓	✓	111	7
Indonesia	✓	✓	93	11
Laos	✓	✓	1	0
Maldives	✓	✓	0	0

WTO OMC



SPS: EP, NNA and Notifications

Member/Observer	SPS Enquiry Points	SPS NNA	Regular SPS Notification	Emergency SPS Notification
Mongolia	✓	✓	1	1
Myanmar	✓	✓	0	0
Nepal	✓	✓	19	1
Pakistan	✓	✓	0	1
Philippines	✓	✓	129	181
Singapore	✓	✓	35	20
Sri Lanka	✓	✓	34	3
Thailand	✓	✓	198	46
Vietnam	✓	✓	72	0

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TBT: Art. 15.2, EP, Code of Good Practice, Notifications

Member/Observer	Article 15.2	TBT Enquiry Point	Code of Good Practice	Regular TBT Notification
Bangladesh	✓	✓	✓	0
Bhutan	-	-	-	-
Cambodia	✓	✓	X	3
Chinese Taipei	✓	✓	✓	224
Hong Kong	✓	✓	✓	79
India	✓	✓	✓	97
Indonesia	✓	✓	✓	106
Laos	✓	✓	✓	1
Maldives	X	✓	X	1

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TBT: Art. 15.2, EP, Code of Good Practice, Notifications

Member/Observer	Article 15.2	TBT Enquiry Point	Code of Good Practice	Regular TBT Notification
Mongolia	✓	✓	X	6
Myanmar	X	✓	X	2
Nepal	X	✓	X	4
Pakistan	✓	✓	✓	92
Philippines	✓	✓	✓	248
Singapore	✓	✓	✓	40
Sri Lanka	✓	✓	✓	47
Thailand	✓	✓	✓	578
Vietnam	✓	✓	✓	77

WTO OMC



Reminder

OBLIGATIONS

1. Designation of *notification authority*
2. Establishment of *enquiry point*
3. *Notification* of draft regulations
4. *Publication* of regulations
5. Statement of Implementation
6. Notifications from Standardizing Bodies

BEYOND OBLIGATIONS

- Taking advantage of transparency.

Transparency



SPS Agreement:
Article 7
Annex B

G/SPS/7/Rev.3

TBT Agreement:
Article 2, 5, 10, 15
Annex 3
Code of Good Practice

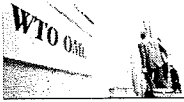
G/TBT/1/Rev.13



SPS and TBT Internet Resources

- SPS Notification Submission System (SPS NSS)
- SPS Information Management System (SPS IMS)
- TBT Notification Submission System (TBT NSS)
- TBT Information Management System (TBT IMS)



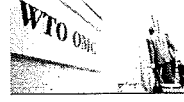


SPS and TBT Notification Submission Systems

How to submit notifications?
Central Registry of Notifications (CRN)

- by email (crn@wto.org); or
- by fax (+41 22 739 5638); or
- by mail

NOW – notifications can also be submitted via the SPS and TBT Notification Submission Systems
<https://nss.wto.org/spsmembers>
<https://nss.wto.org/tbtmembers>



Online Submission of SPS and TBT Notifications

- The system makes the processing of notifications easier and faster, for both Members and the Secretariat.
- The SPS National Notification Authority of each Member can request access to the SPS NSS by sending an email to spscommittee@wto.org
- The TBT National Notification Authority/Enquiry Point of each Member can request access to the TBT NSS by sending an email to tbtnss@wto.org



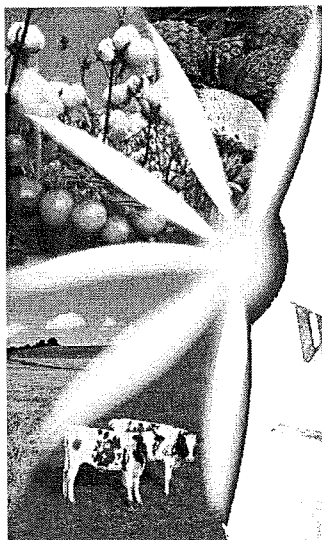
Login Names

- Each Member receives two logins for each NSS
- NZLSPSNSS01 → Administrative rights to submit
- NZLSPSNSS02 → Can fill out but cannot submit
- NZLTBTNSS01 → Administrative rights to submit
- NZLTBTNSS02 → Can fill out but cannot submit



Use of NSS in your region

- SPS NSS users:
Indonesia, Nepal, Philippines, Chinese Taipei, Thailand
(Singapore, Bangladesh, Pakistan, Vietnam have requested access)
- TBT NSS users:
Indonesia, Chinese Taipei, Thailand



SPS/TBT Information Management Systems SPS IMS & TBT IMS

<http://spsims.wto.org>
<http://tbtims.wto.org>

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Why SPS/TBT IMS?

Since 1995, SPS & TBT Committees have seen:

- > 19,000 SPS & 25,000 TBT notifications
- > 380 SPS & 470 TBT STCs
- > 2,400 other SPS documents; ...
- Enquiry Point / Notification Authority info changing



SPS/TBT IMS – database created
to provide easy access

to SPS/TBT-related documents and information





How can they help you ?

To undertake searches / prepare reports according to your specific needs:

- **Notifications**
Product- or region-specific searches
- **Committee Documents (only SPS)**
Theme-specific searches on, e.g. on regionalization
- **Specific Trade Concerns**
Queries related to specific Members or products
- **Enquiry Points / Notification Authorities**
Most recent contact details notified to the WTO



SPS Information Management System

SPS IMS → <http://spsims.wto.org>



TBT Information Management System

TBT IMS → <http://tbtims.wto.org>

Transparency Counter	
Regular Notifications	17847
Addenda / Corrigenda	1274
Revision	222
Specific trade concerns	403



Exercise on SPS IMS

spsims.wto.org

- Find all notifications submitted by China with the objective of food safety. How many do you find? View the most recent notification G/SPS/N/CHN/1005 in Word. When is the deadline for comments? Export all your results to Excel.
- Find all specific trade concerns raised covering HS Code 03 on fish. How many do you find?
- Verify your country's Enquiry Point/Notification Authority information. Are they correct? If not, please contact spscommittee@wto.org.



Exercise on TBT IMS

tbtims.wto.org

1. How many notifications relating to halal products have been circulated? (use "basic search-products covered" & "advanced search-description of content")
2. How many specific trade concerns have been raised against India?
3. Verify your country's Enquiry Point/Notification Authority information. Are they correct? If not, please contact una.flanagan@wto.org.



THANK YOU !

Questions ?

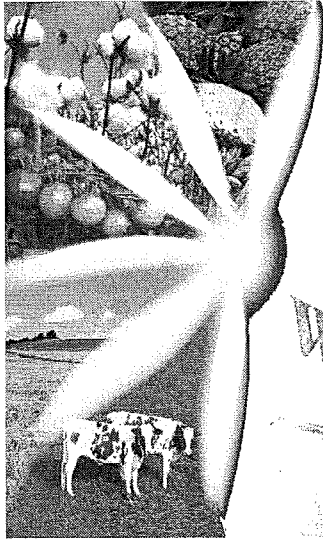
Serra.ayral@wto.org
Gretchen.Stanton@wto.org

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

TBT Gateway
<http://www.wto.org/tbt>

附件五：SPS 及 TBT 協定處理爭端機制

How to address SPS & TBT trade problems



How to address SPS & TBT trade problems?

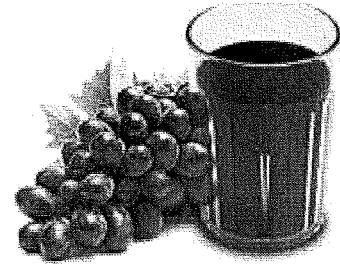


Gretchen H. Stanton
Agriculture and Commodities Division
World Trade Organization



Resolving Trade Problems - Exercise

Sour Grapes



Ways to Address Trade Concerns

1. **Bilateral and/or Regional Efforts**
2. SPS/TBT Committee – Specific Trade Concerns
3. *Good Offices by the Chair of the SPS Committee*
4. WTO Dispute Settlement System



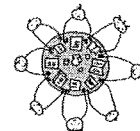
WTO OMC



Bilateral and/or Regional Efforts

Suggested Actions:

- Contact Enquiry Point
- Informal discussions on the margins of the SPS/ TBT Committee meetings
- Request information through diplomatic channels



Request an Explanation

- SPS Article 5.8
“an explanation of the reasons for such SPS measure may be requested and shall be provided by the Member maintaining the measure.”
- TBT Article 2.5
“... shall, upon the request of another Member, explain the justification of the technical regulation...”



Ways to Address SPS Trade Concerns

1. Bilateral and/or Regional Efforts
2. **SPS/TBT Committee – Specific Trade Concerns**
3. *Good Offices by the Chair of the SPS Committee*
4. WTO Dispute Settlement System





What is a Specific Trade Concern?

A specific trade **complaint** raised by Members in the SPS/TBT Committee in relation to **SPS/TBT measures maintained by other Member(s)**.

(whether draft measures or measures currently in force)

- All Members can raise a specific complaint about SPS/TBT measures imposed by other Members in the SPS/TBT Committee.



SPS/TBT Committee – STCs

Suggested Actions:

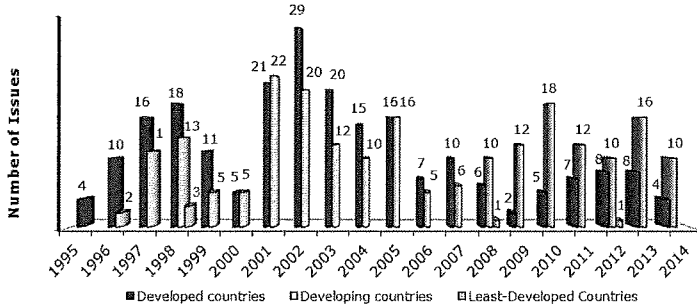
- Consult previous Specific Trade Concerns (STCs)
- Communicate intention to raise an STC
 - At least 11 calendar days before the meeting
 - In writing
 - Inform the other Member concerned
- Seek support from other interested Members
- Present the STC at the SPS/TBT Committee Meeting



SPS Specific Trade Concerns 1995-2014

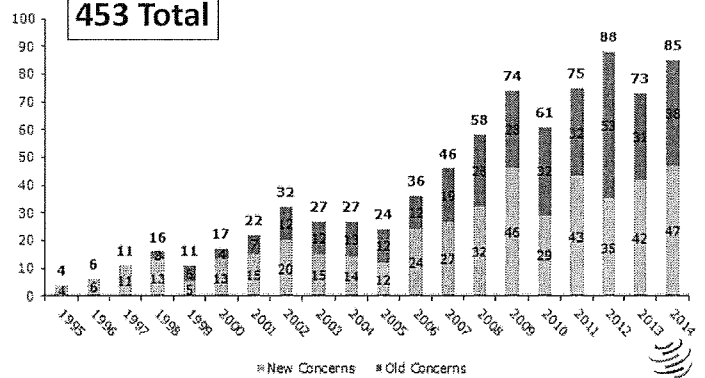
382 Total
(+21 in 2015)

G/SPS/GEN/204/Rev.15

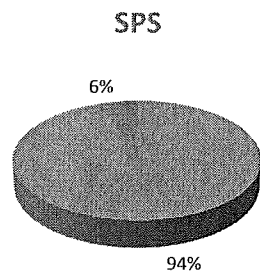
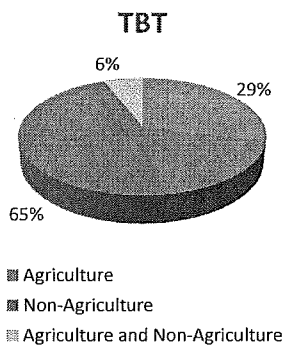


TBT Specific Trade Concerns 1995-2014

453 Total



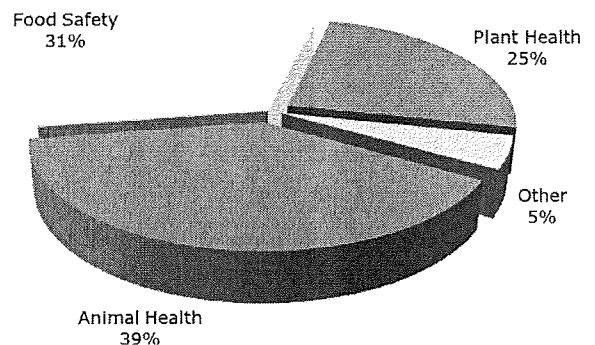
STCs by sector



Source: WTR 2012, Section C.2(d)



SPS Specific Trade Concerns by Subject (1995-2014)



Source: G/SPS/GEN/204/Rev.15, SPS Information Management System (<http://spsims.wto.org>)



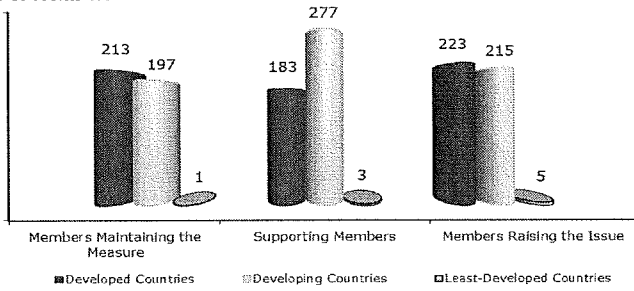


SPS Specific Trade Concerns 1995-2014



Top 10 Members Maintaining Measures Complained Against (1995-2014) - SPS

Number of Members



G/SPS/GEN/204/Rev.15



Member	Number of STCs
European Union	78
United States	45
Japan	29
China	24
Australia	17
Brazil	15
Indonesia	13
Korea, Republic of	13
Canada	11
Mexico	11

SPS Information Management System (<http://spsimms.wto.org>)



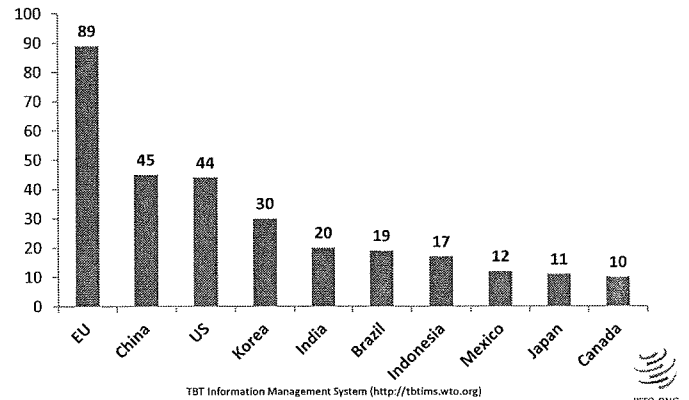
Top 10 Members Raising Specific Trade Concerns (1995-2014) - SPS



Top 10 Members Maintaining Measures Complained Against (1995-2013) - TBT

Member	Number of STCs
United States	83
European Union	77
Argentina	42
China	32
Brazil	28
Canada	24
India	20
Australia	9
Chile	9
Ecuador	9

SPS Information Management System (<http://spsimms.wto.org>)



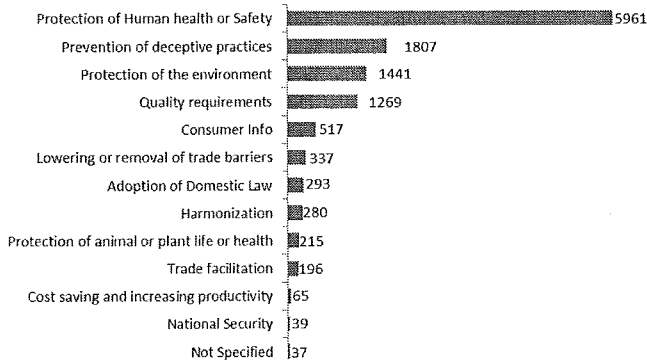
TBT Information Management System (<http://tbtims.wto.org>)



TBT Notifications by Objective



SPS Specific Trade Concerns



TBT Information Management System (<http://tbtims.wto.org>)



Member	SPS STCs raised	SPS STCs supported	SPS measure maintained
Chinese Taipei	2	2	9
Hong Kong	2	0	1
India	21	9	11
Indonesia	4	6	13
Pakistan	1	5	0





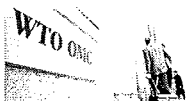
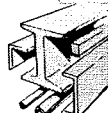
SPS Specific Trade Concerns

Member	SPS STCs raised	SPS STCs supported	SPS measure maintained
Philippines	5	14	3
Singapore	0	1	2
Sri Lanka	1	2	0
Thailand	9	7	3
Vietnam	0	3	1



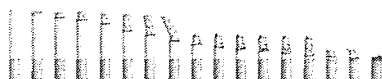
TBT Specific Trade Concerns

Member	TBT STCs raised	TBT measure maintained
Chinese Taipei	4	7
Hong Kong	4	2
India	12	21
Indonesia	23	20



TBT Specific Trade Concerns

Member	TBT STCs raised	TBT measure maintained
Pakistan	2	0
Philippines	8	1
Singapore	2	0
Thailand	11	9
Vietnam	0	4



Regional Specific Trade Concerns (STCs) SPS - examples

#	Title	Member raising the concern	Members maintaining the measure	First date raised	Date resolved	Status
85	Import restrictions on prawns and prawn products; revised generic IRA for prawns and prawn products	China, Thailand (<i>raising</i>); Sri Lanka, Indonesia, Malaysia, Philippines, Viet Nam, European Union (<i>supporting</i>)	Australia	01/03/2001	16/10/2013	Partially resolved
231	Restrictions on cinnamon	Sri Lanka (<i>raising</i>); China (<i>supporting</i>)	European Union	01/10/2005	01/10/2006	Resolved
379	Russia's market access requirements for bovine meat in compliance with OIE requirements	India	Russian Federation	15/10/2014		Not reported



Regional Specific Trade Concerns (STCs) TBT - examples

#	Title	Member(s) concerned	Members maintaining the measure	First date raised
466	China – Registration fees for Drugs and Medical Device Products	Canada, US, Korea	China	17/06/2015
367	India – Electronics and Information Technology Goods	Canada, EU, Japan, Korea, Norway, Switzerland, US	India	18/03/2015
467	Chinese Taipei - GMO Labelling	Canada, New Zealand, USA	Chinese Taipei	17/06/2015



Ways to Address SPS Trade Concerns

1. Bilateral and/or Regional Efforts
2. SPS/TBT Committee – Specific Trade Concerns
3. *Good Offices by the Chair of the SPS Committee*
4. WTO Dispute Settlement System





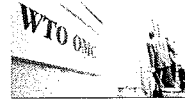
Good Offices of the Chair of the SPS Committee

Working procedures of Committee (March 1995), provide that:

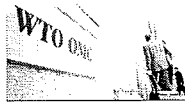
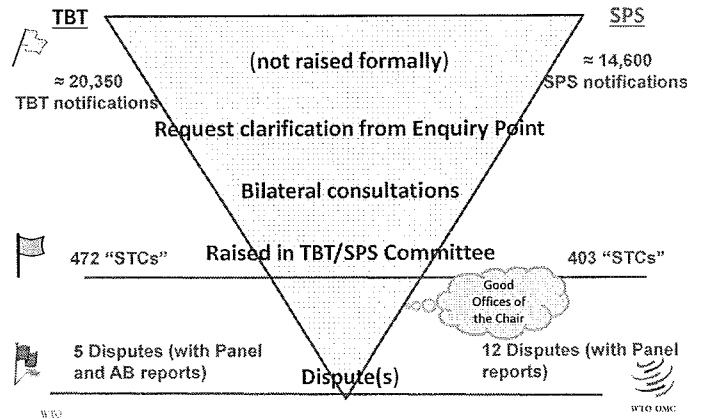
“With respect to any matter which has been raised under the Agreement, the Chairperson, may, at the request of the Members directly concerned, assist them in dealing with the matter in question...”

Procedure adopted in the SPS Committee

G/SPS/61



Review of TBT and SPS measures



Ways to Address SPS Trade Concerns

1. Bilateral and/or Regional Efforts
2. SPS Committee – Specific Trade Concerns
3. Good Offices by the Chair of the SPS Committee
4. WTO Dispute Settlement System



4. WTO Dispute Settlement System

What is a WTO dispute ?

- Arises when a Member believes another is violating an agreement or commitment made
- Only involves governments
- Not a WTO dispute until the Member country notifies WTO Secretariat that a dispute exists

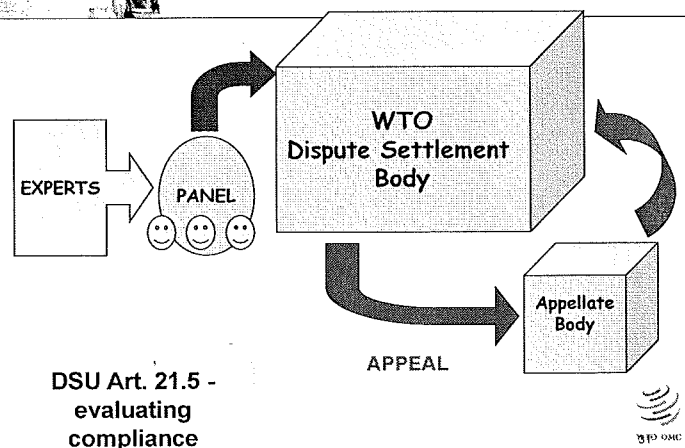


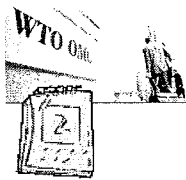
4. WTO Dispute Settlement System - Main Stages

- I. Consultation phase
 - II. Panel review
 - III. [AB review]
 - IV. Adoption of report(s) by the DSB
 - V. Implementation
- Good offices, conciliation and mediation possible at any moment*

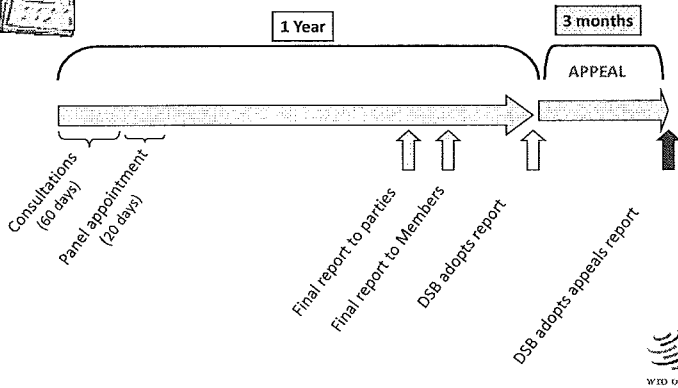


The Panel Process





Dispute Timetable



Consistency of SPS Measure

1. Is this an SPS measure? (Art.1, Annex A)
2. Is there a scientific justification? (Art.2.2)
 - a. Is it based on a relevant international standard (Art. 3) OR
 - b. Based on a risk assessment (Art. 5.1-5.3)? OR
 - c. Is this a provisional measure under Art. 5.7
2. Is the measure consistent? (Art.5.5)?
3. Is the measure least trade restrictive (Art.5.6 /2.2)
4. Is the measure discriminatory? (Art.2.3)
5. Was the measure notified? (Art. 7, Annex B)
6. Is any conformity assessment done without undue delay, equitable, etc. (Art. 8, Annex C)



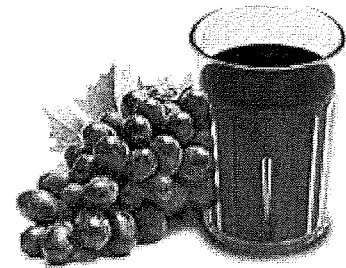
Consistency of a TBT measure

1. Is this a Technical Regulation, CAP or standard?
2. What is the legitimate objective?
3. Is it more restrictive than necessary, taking into account: contribution to objective, trade-restrictiveness, risks of non-fulfilment, alternative measures
4. Is there discrimination? Are there like products? Is there a "legitimate regulatory distinction"?
5. Is there a relevant international standard? Is measure "based on" OR "in accordance" with int'l standard?
6. If CAP, completed expeditiously, equitably, etc.?
7. Was the measure duly notified/published?



Resolving Trade Problems - Exercise

Sour Grapes



SPS Dispute Panels

Food safety

- US/Canada vs. EC - Hormones (WT/DS26, 48)
- (EC vs. US/ Canada – Continued Suspension (WT/DS320, 321))
- China vs. US – Poultry (WT/DS392)
- Canada vs. Korea - BSE (WT/DS391)
- Japan vs. Korea – Radionuclides (WT/DS495)

Food safety + plant and animal health (biodiversity considerations)

- US/Canada/Argentina vs. EC - GMOs (WT/DS291, 292, 293)



Animal health

- Canada / US vs. Australia - Salmon (WT/DS18, 21)
- US vs. India – Avian Influenza (WT/DS430)
- Argentina vs. US –Foot-and-Mouth Disease (FMD) (WT/DS447)
- EU vs - Russia -- African Swine Fever (WT/DS475)

Plant protection

- US vs. Japan - Variety Testing (WT/DS76)
- US vs. Japan – Fire blight (WT/DS245)
- New Zealand vs. Australia - Apples (WT/DS367)





Recent SPS Dispute Requests

• in 2012

- Argentina's complaint against US re: measures affecting the importation of fresh lemons (DS 448): In consultations

• in 2014

- Brazil's complaint against Indonesia re: measures on importation of chicken meat and chicken products (DS 484): In consultations

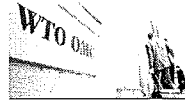


Case/Art									
Scientific justification (2.2 / 5.7)	X (5.7)		X (5.7)	X (5.7)	X (5.7)	X (5.7)			
Harmonization (3.1 - 3.3)	X					X			X X
Equivalence (4)							X		
Risk assess. (5.1 - 5.3)	X	X		X	X	X	X		X
Consistency (5.5)	X	X							
Least trade restr. (5.6)		X	X	X					X X
Regionalization (Art. 6)									X X
Transparency (7 / Annex B)			X	X					X
Approval proced. (8 / Annex C)					X		X		X



Main TBT disputes

- EC vs. Peru – Sardines (DS231) – mutually acceptable solution notified (2001-2003)
- US vs. Mexico – Tuna II (DS381) – compliance proceedings on-going (2008-...)
- US vs. Mexico/Canada – COOL (DS386, DS384) – authorization to retaliate requested (2008-...)
- EC vs. Canada/Norway – Seals Products (DS410) – report(s) adopted with recommendations (2009-...)
- US vs. Indonesia – Clove Cigarettes (DS406) – mutually acceptable solution notified (2010-2014)



Some recent disputes citing the TBT Agreement

2013

- Australia's plain packaging requirements on tobacco products: complaints by Cuba (DS 458), Indonesia (DS467), Ukraine (DS434), Honduras (DS435), Dominican Republic (DS441) - Panel composed

2014

- Indonesia's measures on importation of chicken meat and chicken products (DS 484): complaint by Brazil in consultations

2015

- Russian Federation's measures affecting the importation of railway equipment: complaint by Ukraine (DS499): in consultations



Where to get more information?

Dispute settlement gateway

http://www.wto.org/english/tratop_e/dispu_e.htm

Panel and Appellate Body report

http://www.wto.org/english/tratop_e/dispu_e/dispu_status_e.htm

SPS gateway

http://www.wto.org/english/tratop_e/sps_e.htm



附件六：標準與促進貿易發展設立之精神

Standards and Trade Development Facility

STDF Standards and Trade Development Facility

A global partnership in SPS capacity building and technical cooperation

Melvin Spreij
Bangkok, 10-13 November 2015

Outline

- Overview of partnership
- Examples of STDF thematic work:
 - Public-Private Partnerships to build SPS capacity
 - Assessing and prioritizing SPS investment options
- Funding mechanism:
 - Project development
 - Project implementation

STDF

A global partnership

Programme goal

- Increased capacity of developing countries to implement international food safety, animal and plant health standards, guidelines and recommendations and ability to gain and maintain market access

Vision

- Improved SPS capacity supports sustainable economic growth, poverty reduction, food security and environmental protection

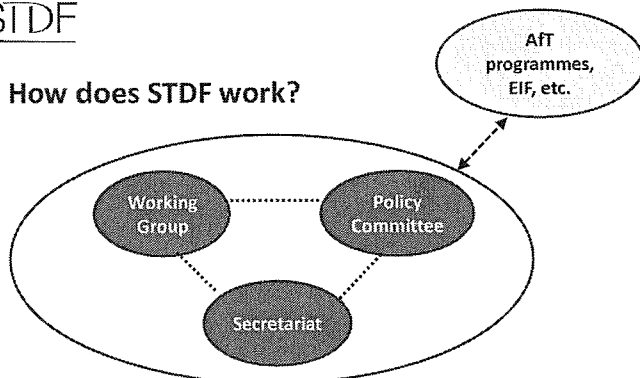
STDF

What does STDF do?

- **Coordination mechanism** among providers of **SPS technical cooperation** to strengthen coherence, avoid duplication and enhance results
 - **Knowledge platform** for **sharing experiences**, identification and dissemination of **good practice**, discussion of **cross-cutting topics**
 - **Funding for development and implementation of projects** that support compliance with international SPS requirements to gain and maintain market access

STDF

How does STDF work?



- Strategy (2015-19)
- Work Plan (2015-16)
- Operational Rules

- Annual budget target: USD 5 million
- Contributions to date: USD 47 million

STDF

Public Private Partnerships to build SPS capacity*

- Examples of how to encourage, implement and sustain PPPs to improve SPS capacity and performance
 - Stimulate innovation, leverage knowledge and resources, address infrastructure deficits, develop value chains
 - Improve SPS outcomes/coordination, enhance market access, raise competitiveness, improve service delivery, trade facilitation, co-regulation
- Challenges: new way of working, requires change in mind-set, inadequate trust and transparency, different expectations, needs a common goal, staff turn-over, etc.

*STDF. 2012. Public Private Partnerships to enhance SPS capacity: What can we learn from this collaborative approach: <http://www.standardsfacility.org/public-private-partnerships>

STDF

Examples

- **Kenya:** National Task Force on Horticulture (2002 to date) – PPP for value chain development
- **South Africa:** Market Access Working Group for Fresh Fruit and Vegetables (1995 to date) – PPP for dialogue, networking, coordination
- **Chile:** SERNAPESCA Fish Health Department Private Laboratory Network (1987 to date) – PPP for SPS infrastructure
- **Thailand:** Harnessing smart IT solutions for food traceability (2002 to date) - PPP for trade facilitation

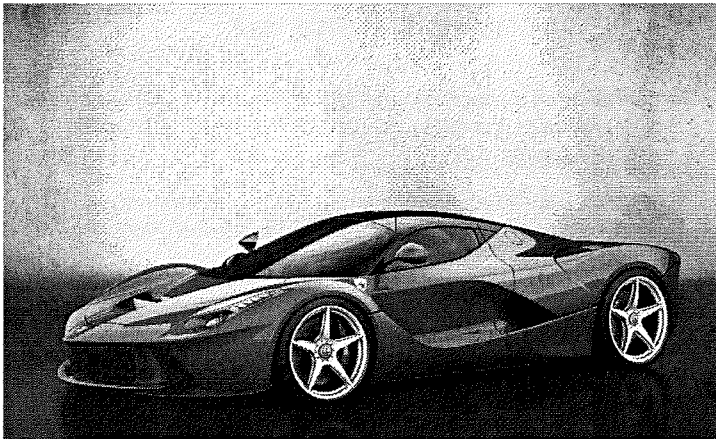
STDF

Assessing and prioritizing SPS investments

- **Needs assessment tools:** FAO/WHO, OIE-PVS, IPPC-PCE
- **Challenges:**
 - Many diverse SPS investment needs in countries
 - Resource constraints (government budgets, donors, private sector)
 - Process of priority-setting sometimes lacks coherence and transparency

STDF

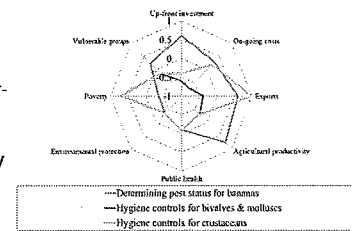
Multi-Criteria Decision Analysis (MCDA)



STDF

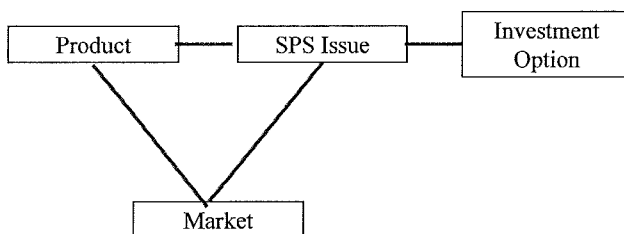
SPS Market Access Prioritization (SPS-MAP)

- Practical decision-support tool to prioritize between diverse SPS investment options
- Facilitates open discussion among public and private sector
- Builds on and complements SPS sector-specific tools
- Generates convincing evidence on **why** to invest in SPS capacity
- Helps to enhance the economic efficiency of decisions



STDF

Definition of SPS investment option



STDF

How does it work?

- Collect and analyze available information and data
- Public / private stakeholders discuss possible SPS investment options, decision criteria and weights
- SPS investment options ranked:
 - based on specific, documented assumptions
 - use of available qualitative and quantitative data
 - use of computer software (D-sight) to compare options
- Discuss the findings, data queries / gaps
- Re-run the analysis based on any new data, altered decision criteria or weights, etc.

STDF

Status

- Applied in 10 countries (2 STDF pilots, one STDF project, other applications supported by COMESA, USDA)
- Currently finalizing user guide, drawing on recommendations of STDF workshop (2013) and in-country applications
- Use/promotion through partners, donors, developing country experts, other organizations, etc.
- STDF support through PPGs or projects
- Store documents in STDF Virtual Library (repository)

STDF

Advice/support on SPS project development

- Project preparation grants (PPGs)
 - Application of capacity evaluation / prioritization tools, feasibility studies, project formulation
 - Grants ≤ US\$50,000
 - Synergies with other initiatives
 - Mobilization of donor funds
- Guidelines on project design and formulation (with EIF)
- Since 2004, STDF has financed 70 PPGs (49 in LDCs)

STDF

Recent examples

- Harmonization of aquaculture certification in ASEAN countries
- Improving aflatoxin management to facilitate production and export of chillies from Pakistan
- Implementing the food safety strategy of Tajikistan
- Establishing a traceability system in Mongolia to facilitate export of meat products

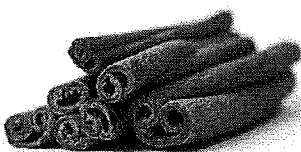
STDF

Projects to improve SPS situation and enhance market access

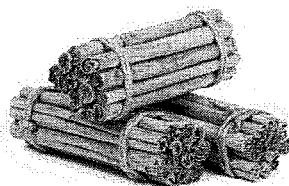
- Focus on projects that:
 - identify, develop and/or disseminate good practice
 - include regional/global approaches
 - are innovative, collaborative, inter-disciplinary
- Public-private sector collaboration encouraged
- STDF contribution ≤ US\$1 million, 3 year duration or less
- Since 2004, STDF has financed 75 projects (32 in LDCs)

STDF

Sri Lanka True Cinnamon (PG/343)



Cassia



Ceylon Cinnamon

STDF

Implementing Agency: UNIDO
Partners: Spice Council of Sri Lanka, FAO
Value US\$ 2,130,000; STDF Contribution: US\$ 630,000
Jul 2012 - Apr 2016

Deliver food hygiene and safety training along the cinnamon value chain

Enhance compliance capacities of the cinnamon processors through certification according to national and international standards

Support the "Pure Ceylon Cinnamon" mark gaining credibility

Support Sri Lankan cinnamon to obtain Geographical Indication





Enhancing SPS capacity of ginger exports through a Public-Private Partnership in Nepal (PG 329)



Building trade capacity of small-scale shrimp and prawn farmers in Bangladesh (PG 321)

STDF



STDF

How to request STDF support?

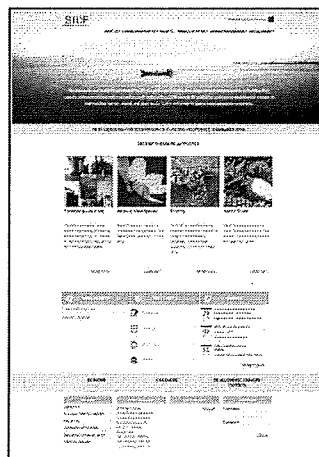
- ✓ Review eligibility criteria on STDF website
- ✓ Read Guidance Note for Applicants
- ✓ Download application form
- ✓ Consult relevant stakeholders in country/region
- ✓ Contact STDF Secretariat with questions
- ✓ Submit application by e-mail
- ✓ Requests considered two times per year - next deadline is **25 December 2015**

STDF

For more information

Standards and Trade Development Facility
 World Trade Organization
 Rue de Lausanne 154
 CH-1211 Geneva
 Switzerland
STDFSecretariat@wto.org
www.standardsfacility.org

- Subscribe to receive STDF news
- Download STDF publications, briefing notes, film, etc.
- Search for documents in STDF Virtual Library





"FAO initiatives on regional SPS & TBT issues"

Regional Workshop for Asia on WTO Agreements on SPS and TBT
(10-13 November 2015, Bangkok, Thailand)

Ms. Shashi Sareen
Senior Food Safety & Nutrition Officer
FAO Regional Office for the Asia & the Pacific
E-mail: shashi.sareen@fao.org

FAO Regional Office for Asia and the Pacific



FAO Vision

- Achieving food security for all is at the heart of FAO's efforts – to make sure people have regular access to enough high-quality food to lead active, healthy lives.

Food security: all people, at all times, have physical, social and economic access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life. [World Food Summit, 1996]

FAO Regional Office for Asia and the Pacific



FAO's Regional Food safety & Quality Programme

- Around 15 - 20 projects/ programmes on food safety & quality (national/ regional) & tools & GL developed
- Broadly covers:
 - **Food control management** – food control (safety & quality) policy, legislation, strategy, governance (incl coordination mechanisms)
 - **SPS/ Food standards, requirements/ norms and Codex related activities**
 - **Enforcement and surveillance** – routine inspection, mgmt of food safety incidents & emergencies; FBDS, import/ export controls
 - **Laboratory and testing aspects**
 - **Agro-food supply chains** (including street foods/ retail); linkage to primary production
 - **Certifications and accreditation**
 - **Information, education, communication and training**



Food safety Policies, Legislation & Governance

- ❑ **Assessment of country scenario to determine preparedness for FS** – food safety controls, coordination – Sri Lanka, Myanmar, Vietnam, Thailand (FAO/WHO food control system assessment tool)
- ❑ **Policy and governance**
 - Regional Consultations on **Food Safety Policy development in Asia; Enhancing Inter-ministerial Coordination** to strengthen/ promote Food Safety
 - **Evidence-based** decision making & policy development using multi criteria approaches
 - **Policy assistance** – Bangladesh, Bhutan, Laos, Nepal, Mongolia, Cambodia, Thailand
- ❑ **Support in review of legislation/ regulations** – Bangladesh, Laos, Cambodia, Nepal, Mongolia



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SPS/Standards/ Codex related

- ❑ **Standards** – clarity between voluntary and regulatory standards; harmonization
- ❑ **Codex** – understanding working of CAC, facilitating country participation in CAC, establishment of country infrastructure
- ❑ **Training materials**
 - Training WS on Food recall and traceability -Application in National food safety control:
 - Strengthening Capacity in Data Collection and Generation for Food Safety Risk Analysis
 - Design and Evaluation of Mycotoxin Sampling Protocols
 - Enhancing effective participation in Codex activities in ASEAN countries



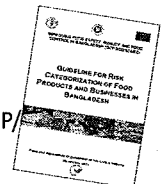
<http://foodsafetyasiapacific.net/>

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Enforcement and Surveillance

- ❑ **Guidelines for risk categorization of food & food establishments for ASEAN, Bangladesh**
- ❑ **Imported food control manual** - risk-based import controls manual – pre-border, border, post-border
- ❑ **Pesticide Residue Monitoring Programme Development** - Training Workshop for Asian Countries
- ❑ **Laboratory and testing aspects** – Bangladesh, Myanmar, Thailand – inspection
- ❑ **Strengthening preventive approaches (GAP/GMP/HACCP)** : developing schemes & certification systems, strengthening SMEs, food retail

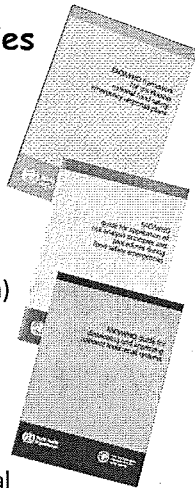


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Food safety Emergencies

- **Focus:** FSER planning, food safety recalls, early warning & horizon scanning, INFOSAN
- **Activities**
 - Pilots (Bangladesh, Thailand), WS Developing National FSER Plans (ASEAN)
 - INFOSAN – projects (Thailand, Bangladesh)
- **Publications**
 - Framework for developing national food safety emergency response plans (2010)
 - Guide for application of risk analysis principles to food safety emergencies
 - Guide for developing & improving National Food Recall Systems

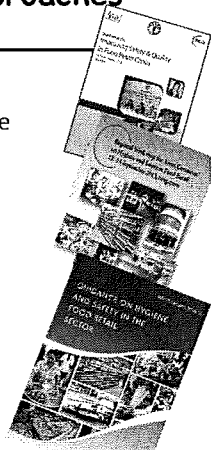


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Strengthening preventive approaches - Food Retail

- **Food retail in Asia**
 - Regional WS on hygiene and safety in the food retail sector (12 - 14 September 2013, Singapore); 22 countries 41 delegates
 - **Recommendations**
 - ✓ **Guidance on hygiene** and safety in food retail sector – 12 sections
 - ✓ **Regional network** - Food retail network in Asia <http://foodretailnetwork.asia/>
 - ✓ **Checklist** for inspection of street food
 - ✓ **Booklet** giving information on rapid test kits

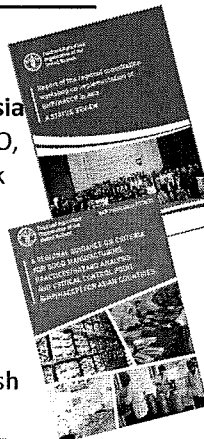


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Strengthening preventive approaches GMP/HACCP

- **GMP/HACCP In Asia**
 - **Regional Consultation Workshop: Implementation of GMP/HACCP in Asia a status review**, organised FAO & FSVO, Switzerland 23-25 June 2014, Bangkok
- **Recommendations**
 - ❖ **Regional guidance** on criteria for GMP/HACCP for Asia
 - ❖ **Sector specific guidance** - restaurant/catering, meat, desiccated coconut, fish sauce, dairy, fishery, etc;

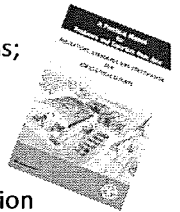


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Certifications and Accreditations

- **Focus:** Support in developing/ strengthening schemes certifications for government, private sector, internal control mechanisms; trainings
- **Activities**
 - **Implementing GAP** in F&V, its Certification & Accreditation – ASEAN, SAARC
 - **GI certification** – support 4 countries to build a GI certification scheme, trainings, marketing opportunities

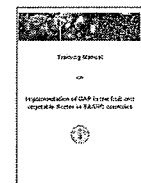
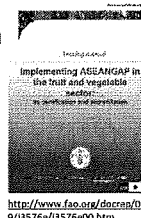


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Good Agricultural Practices (GAP)

- **Training manual** on “Implementing ASEANGAP in the F&V sector, its Certification & Accreditation”
- **SAARC - Good Agriculture Practice (GAP) Standards & Certification Scheme**
 - Scheme – 3 parts - Piloting in 4 countries
 - ✓ I – GAP standards/ requirements
 - ✓ II Structure for implementing GAP in a country
 - ✓ Part III Certification of GAP - Certification criteria, process, CB requirements, Rules for using Logo
 - **Training manual Implementation of GAP in the fruit and vegetable Sector in SAARC countries (5 modules, 18 sessions)**



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Training Manual on Implementation of GAP in the fruit and vegetable Sector in SAARC countries

Module I Introduction to GAP

- Session 1 Background to food safety and introduction to GAP
- Session 2 Different GAP standards – GlobalG.A.P./ other GAPs

Module II The GAP standards/requirements

- Session 3 An overview of GAP standard - Structure, requirements and conformity criteria
- Session 4 Food safety module
- Session 5 Environmental management module
- Session 6 Workers health, safety and welfare module
- Session 7 Produce quality module
- Session 8 General requirements module (incl. group controls)
- Session 9 GAP verification criteria, control points & checklists

Module III Establishment of National Implementation Systems

- Session 10 Options & Structure for implementing GAP in a country
- Session 11 Scheme & Scheme Owner

Module IV GAP Certification and Accreditation

- Session 12 Importance of GAP certification and accreditation
- Session 13 Criteria for selection of an AB for GAP
- Session 14 Establishment of a CB for GAP
- Session 15 GAP Certification Process
- Session 16 Auditing and auditing techniques

Module V Preparing a Farmer/Producer or Producer Group for GAP

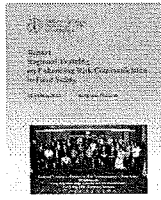
- Session 17 Preparing the farmer/ farmer groups for implementing GAP
- Session 18 The application and approval process

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Information, Education, Communication and Training

- ❑ **Projects** - Bangladesh, Viet Nam
- ❑ **Trainings and workshops** - Risk communication training
- ❑ **Curriculum** - Diploma in Sanitary Inspector course
- ❑ **IEC materials** on food –GHP for Street food/bakery /sweetmeat
- ❑ **Food safety platforms/ databases** – GM Platform, INFOSAN, safety for food retail - Food retail network in Asia
<http://foodretailnetwork.asia/>



<http://www.fao.org/3/a-i4850e.pdf>

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Snapshot of Ongoing Projects in Asia ...1

Regional projects:

- **ASEAN** - Support to CB & Implementation of International Food Safety Standards in ASEAN Countries" (WS, training course, case studies, guidance documents)
- **GMS** - Promotion of rural development through development of Geographical indications at regional level in Asia
- **SAARC** - Good Agriculture Practice (GAP) Standards & Certification Scheme
- **Asia** – Enhancing Inter-ministerial Coordination to strengthen/ promote food safety



Snapshot of Ongoing Projects in Asia ...2

Country Projects:

- Improving food safety & Institutionalization of Food Safety in Bangladesh for safer Food (**Bangladesh**)
- Developing food law (**Laos**)
- Development of Food Safety Law (**Cambodia**)
- Institutional Strengthening on FS & QC in Supply Chain Management of Livestock Products & INFOSAN (**Thailand**)
- Strengthening the FS information, education, communication capacity (**VN**)
- Strengthening SPS capacity for trade – improving safety & Q of fresh vegetables through value chain approach (**Vietnam**)
- Assessment of food safety control system in **Sri Lanka**
- Strengthening Food Safety Control Management in **Myanmar**
- Enhancing SPS Capacity of Ginger Exports through PPP and Policy assistance for **bio-secure** agro-food supply chain(**Nepal**)
- Strengthening of Food Safety and Standards (**Bhutan**)
- Strengthening of National Codex Capacity (**Mongolia**)
- CB to improve market access for fish & fishery products (**Myn**)

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Some priorities in the Region

- Assessment of countries on Food Control capacity
- Support to countries in strengthening coordination between Ministries/ Departments for food safety
- Regional Consultation on Food Safety Indicators/ food safety strategy for the region
- Regional network on food retail
- Risk-based inspections – trainings, import controls
- Harmonization of standards & technical regulations on food – clear role of regulatory & voluntary standards
- Primary production aspects - Strengthening GAP through development of schemes & certification systems



Important websites

- **FAO Food Safety and quality home page**
<http://www.fao.org/food/food-safety-quality/home-page/en/>
- **Web page on Vet & Public Health, Feed & Food Safety;**
www.fao.org/ag/AGInfo/programmes/en/A6.html
- **Emergency prevention & early warning in area of food safety;**
EMPRES-FS@fao.org
- **INFOSAN – International food safety authorities network – for dissemination of important global food safety information – INFOSAN Community Network** <https://extranet.who.int/infosan/>
- ***FAO Regional office for Asia and the Pacific**
<http://www.fao.org/asiapacific/rap/home/en/>
- ***Capacity Building and implementation of international food safety standards in ASEAN countries**
<http://foodsafetyasiapacific.net/>
- **Food retail network in Asia** <http://foodretailnetwork.asia/>



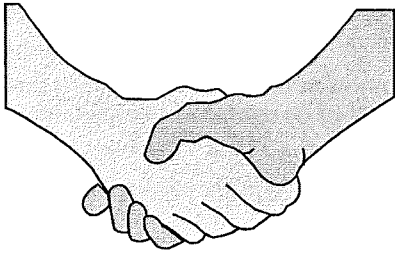
FAO addresses such issues along the following Animal Health Themes

- Support to national efforts to control selected 'high impact' diseases present in the country (field projects on technical aspects, legislation)
- 'Generic' enhancement of national disease control systems (capacity building)
- Fostering regional cooperation and the development of regional approaches and coordination capacity for the control of priority transboundary and emerging diseases
- Promotion of Human – Animal Health Sector collaboration (zoonoses, food safety)
- Information generation and dissemination (education, guidelines, SOPs).

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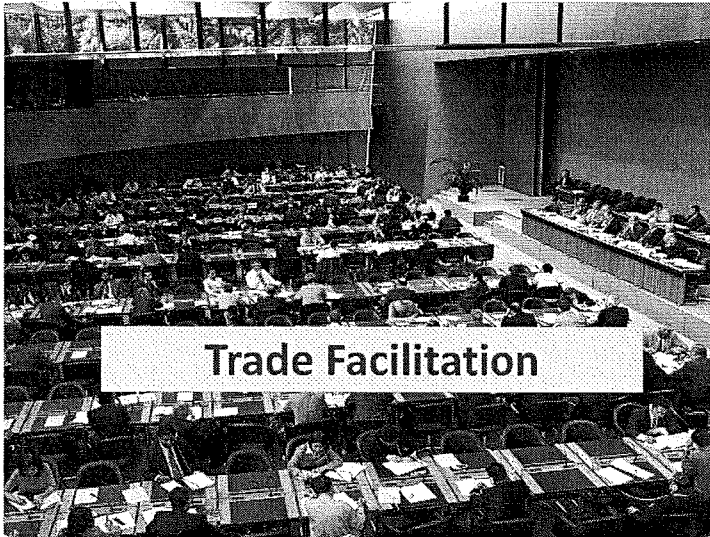
THANK YOU



Any Questions?

Shashi.sareen@fao.org

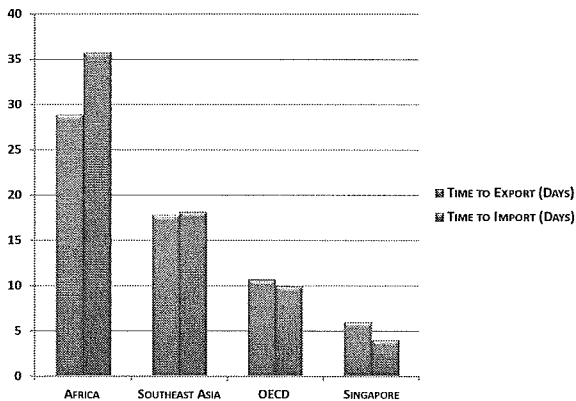
附件七：貿易便捷化協議 Trade Facilitation Agreement



Outline

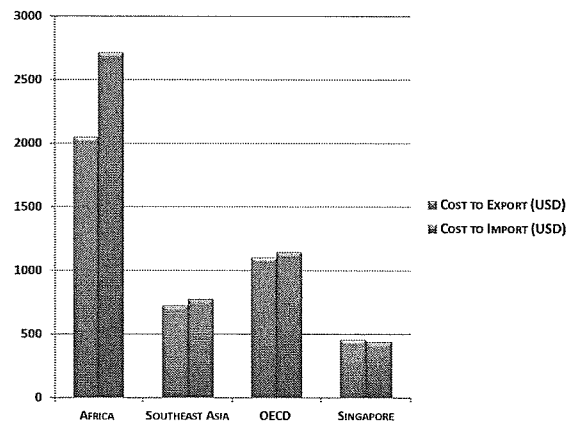
- I. New WTO Trade Facilitation Agreement (TFA)
 - Background
 - Structure
 - Next steps
- II. Linkages with SPS/TBT Agreements
- III. Overview of STDF work on Facilitating *Safe* Trade

Time to Export/Import



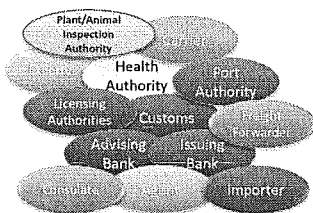
Source: World Bank Doing Business 2015

Costs to Export/Import



Source: World Bank Doing Business 2015

Sources of Delay/Costs



- Infrastructure
- Technology
- Border procedures, processes, controls
- Document and information requirements
- Fees and charges

Why does it matter?



9 billion documents each year to process movement of goods!



- ✓ Companies sometimes spend more money complying with customs regulations than the amount earned in revenue by Customs

Estimated benefits

1% decrease in global trade costs would yield an increased global income of USD 40 billion at a minimum.
OECD Trade Policy Working Paper, No. 118, 2011

Reduction of total trade costs of 14.5% for low income, 15% for lower-middle income, and 13.2% for upper-middle income countries
OECD Trade Policy Working Paper, No. 144, 2013

Up to two-thirds of the total gains to be obtained by developing countries.
OECD TD/TC/WP(2003)31/FINAL



But why TF at the WTO?

- ✓ Common rules for 161 WTO Members
- ✓ Enforcement through dispute settlement
- ✓ Pre-existing provisions with basic rules (in particular Articles V, VIII, and X)

Objectives



- Expedite movement, release & clearance of goods, including goods in transit
- Improve cooperation between customs/other authorities
- Enhance technical assistance and build capacity

TFA structure



Section I
The TFA contains 12 Articles with approximately 40 "technical measures"



Section II
Special provisions for developing and least-developed country Members



Section III
Final provisions and institutional arrangements



Section I
The trade facilitation Agreement contains 12 Articles with approximately 40 "technical measures"



Article 1: Publication & Availability of Information

1. Publication
2. Information available through Internet
3. Enquiry Points
4. Notification



Article 1
Publication & Availability of Information



Article 5
Measures to Enhance Impartiality, Non-Discrimination & Transparency

Article 9
Movement under Customs Control



Article 2
Comment and Consultations



Article 6
Disciplines on Fees and Charges

Article 10
Import, Export & Transit Formalities



Article 3
Advance Rulings



Article 7
Release and Clearance of Goods

Article 11
Freedom of transit



Article 4
Procedures for Appeal or Review



Article 8
Border Agency Cooperation

Article 12
Customs Cooperation



Article 7: Release & clearance of goods (1)



1. Pre-arrival processing	2. Electronic payment	3. Separation of release from final determination	4. Risk Management

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Article 7: Release & clearance of goods (2)

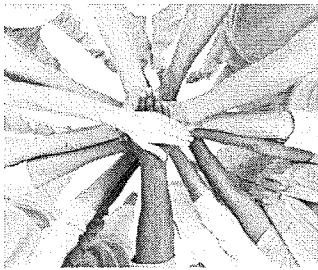


5. Post-clearance audit	6. Average release time	7. Trade Facilitation Measures for Authorized Operators	8. Expedited Shipments	9. Perishable Goods

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Articles 8: Border Agency Cooperation



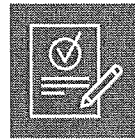
Encourage all border authorities & agencies to cooperate:

- Alignment of: working days and hours, procedures, and formalities
- Development and sharing of common facilities
- Joint controls
- Establishment of one stop border post control

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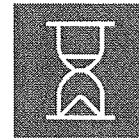
Section II Special provisions for developing and least-developed country Members



Category A

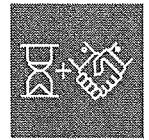
Developing: To be implemented at the time the TFA enters into force

LDCs: To be implemented within one year after the TFA enters into force



Category B

To be implemented after a transitional period following the entry into force of the TFA



Category C

To be implemented after a transitional period and requiring the acquisition of assistance and support for capacity building

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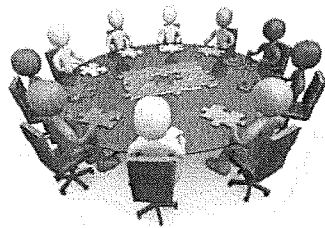
Section III Final provisions and institutional arrangements



Article 23

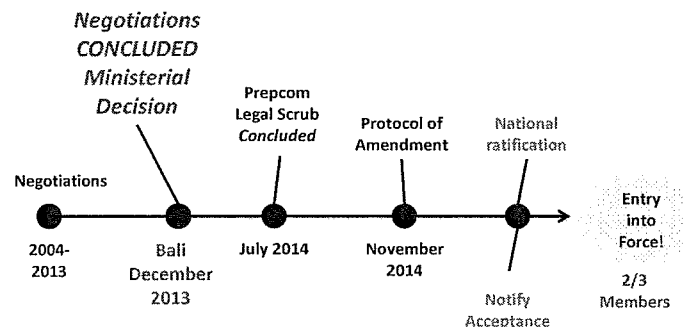
1. Committee on TF:
It will oversee the implementation of the TFA

2. National Committee:
Each Member shall establish (or maintain) a national committee



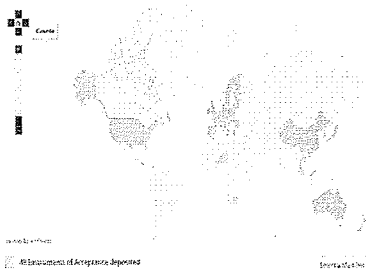
17

WTO Trade Facilitation Negotiations Current Status



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How many acceptances have been received?



www.TFAfacility.org

Thus far...

- | | |
|----------------------|-------------------------|
| 1. Australia | 28. Malta |
| 2. Austria | 29. Mauritius |
| 3. Belgium | 30. The Netherlands |
| 4. Belize | 31. New Zealand |
| 5. Botswana | 32. Nicaragua |
| 6. Bulgaria | 33. Niger |
| 7. China | 34. Norway |
| 8. Croatia | 35. Poland |
| 9. Cyprus | 36. Portugal |
| 10. Czech Rep | 37. Romania |
| 11. Denmark | 38. Slovak Rep |
| 12. Estonia | 39. Slovenia |
| 13. Finland | 40. Spain |
| 14. France | 41. Sweden |
| 15. Germany | 42. Switzerland |
| 16. Greece | 43. Chinese Taipei |
| 17. Hong Kong, China | 44. Thailand |
| 18. Hungary | 45. Togo |
| 19. Ireland | 46. Trinidad and Tobago |
| 20. Italy | 47. Ukraine |
| 21. Japan | 48. United Kingdom |
| 22. Korea, Rep of | 49. United States |
| 23. Lao DPR | 50. FYR Macedonia |
| 24. Latvia | 51. Pakistan |
| 25. Liechtenstein | |
| 26. Lithuania | |
| 27. Luxembourg | |

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WWW.TFAFACILITY.ORG



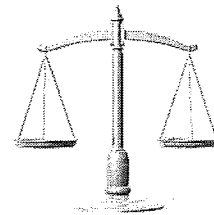
20

Linkages with the SPS and TBT Agreements

Members' right to regulate...

...trade facilitation

allowing Members to protect health / fulfill legitimate objectives at levels they consider appropriate



avoiding discrimination and unnecessary obstacles to international trade

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The SPS & TBT Agreements cover...

TBT: Standards, technical regulations, conformity assessment procedures

- ✓ sampling, testing, inspection
- ✓ evaluation, verification, assurance of conformity
- ✓ registration
- ✓ accreditation
- ✓ approval ...



SPS: All types of measures

- ✓ end product criteria
- ✓ processing methods
- ✓ quarantine measures
- ✓ certification
- ✓ inspection
- ✓ testing
- ✓ sampling ...

...some also covered under TFA

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Enforcement/implementation of SPS measures

• Members required to avoid unnecessary trade disruption and transaction costs for traders when performing control, inspection and approval procedures

- no undue delays;
- information requirements limited to what is necessary;
- non-discriminatory fees (not higher than actual cost of service);
- non-discrimination in siting of facilities and selection of samples;
- procedure to review complaints, take corrective action, etc.

SPS Annex C closely linked to TF

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SPS Agreement International standards

For example, relevant Codex standards include:

- Principles for Food Import and Export Inspection and Certification (CAC/GL 20-1995)
- Guidelines for the Exchange of Information between Countries on Rejections of Imported Foods (CAC/GL 25-1997)
- General Guidelines on Sampling (CAC/GL 50-2004)
- Recommended Methods of Sampling for the Determination of Pesticide Residues for Compliance with MRLs (CAC/GL 33-1999)

Important to involve standard-setting bodies in TF work

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TBT Agreement: Conformity assessment procedures

- Complete as expeditiously as possible
- Publish standard processing period
- Limit info requirements
- Impose equitable fees
- Avoid unnecessary inconvenience from siting of facilities, selection of samples
- Offer procedure to review complaints
- Use international standards
- Notify / publish



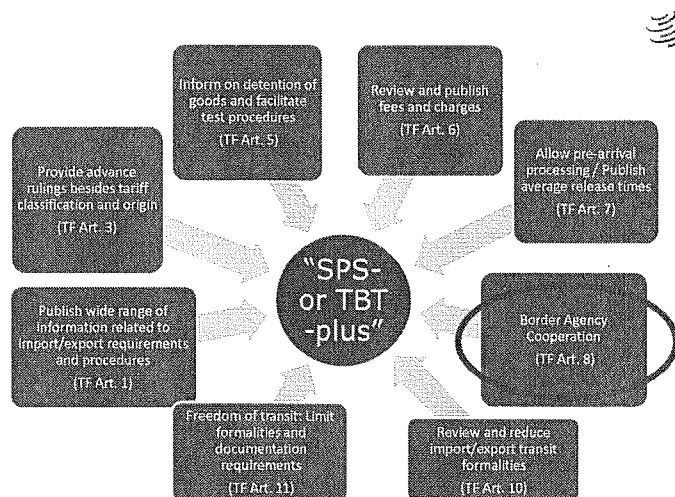
TFA Final Provisions: paragraph 6

"nothing in this Agreement shall be construed as diminishing the rights and obligations of Members under the TBT and SPS Agreements."

BUT.....

some TRA provisions may be "SPS-plus" or "TBT-plus" adding obligations going beyond SPS & TBT Agreements

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Considerations for implementation

- awareness of SPS/TBT/customs officials regarding rights/obligations under all relevant WTO Agreements; need for coordinated approaches, systems
- involvement of SPS & TBT officials in TF needs assessments; opportunity for SPS & TBT entities to benefit from increased funding opportunities
- national SPS, TBT and TF committees/bodies, Enquiry Points need to communicate, have contact points in each other's structures
- TA providers in SPS/TBT/TF areas need to have familiarity with all three topics

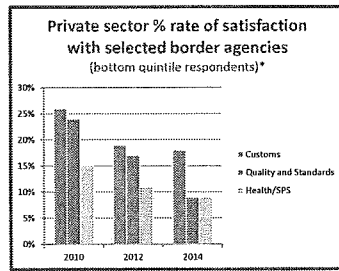


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Implementing SPS measures to facilitate safe trade

Context

- Trade costs in agriculture much higher than in manufacturing, affecting competitiveness (WB, Aft at Glance - 2015)
- Outdated border procedures and red tape greater barrier to trade than tariffs (WB, ITC, etc.)
- Performance gap between health/SPS agencies and others
- Lower performing countries:
 - Much more physical inspection
 - Longer import / export lead times



Source: World Bank Logistics Performance Index

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Research in Southeast Asia and Southern Africa: How are SPS measures implemented in practice?

- Focus on SPS controls for specific products (Article 8 / Annex C of SPS Agreement)
- Are there transaction costs that can be reduced without compromising health objectives?
- What are good practices to ensure health protection, while minimizing transaction costs?
- No direct link to WTO TFA – but opportunity to enhance dialogue and leverage additional funds to improve SPS border management

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Examples of SPS-related procedural obstacles to trade

Challenges

- Complex and lengthy procedures
- Excessive document requirements
- Limited information
- Multiple inspections
- Little coordination between border agencies
- No complaints / appeal procedures
- Arbitrariness, unpredictability

Consequences

- More controls than justifiable
- Longer than necessary waiting times
- Uncertainty
- Increased costs for traders, sometimes also for government

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Key findings of STDF research

- SPS measures may result in *justifiable* transaction costs based on the need to protect health
- Sometimes, ineffective and inefficient SPS controls result in poor health protection – and disrupt trade more than necessary
- Opportunities to enhance health protection and reduce costs (win-win) through better implementation of SPS Agreement:
 - Streamline / simplify regulations
 - Implement risk-based approaches
 - Improve transparency
 - Increase harmonization with international (Codex, IPPC, OIE) standards
 - Improve coordination among SPS agencies and with Customs

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High-level panel during Aft Global Review (Geneva, July 2015)*

- How can robust, science- and risk-based SPS controls be married with trade facilitation?
- Is it possible to effectively ensure health protection, while reducing SPS trade costs? How?



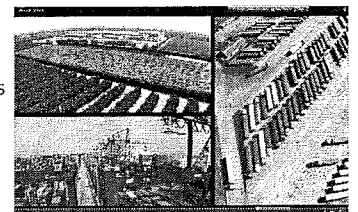
Podcast available at: https://www.wto.org/audio/2015_06_30_session3_gr5_panel_discussion.mp3

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New STDF Film: Safe Trade Solutions*

What are Chile, Peru and Colombia doing to enhance health protection and speed up trade?

- Better coordination between SPS agencies and with Customs
- Streamlined and risk-based controls
- Joint inspections
- More transparency
- Integrating SPS controls in national single windows



* See: <http://www.standardsfacility.org/video-gallery> and <https://www.youtube.com/watch?v=Eww1MsewA0k>