Understanding the WTO Agreement on Sanitary and Phytosanitary Measures

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The Agreement on the Application of Sanitary and Phytosanitary Measures (the "SPS Agreement") entered into force with the establishment of the World Trade Organization on 1 January 1995. It concerns the application of food safety and animal and plant health regulations.

This introduction discusses the text of the SPS Agreement as it appears in the Final Act of the Uruguay Round of Multilateral Trade Negotiations, signed in Marrakesh on 15 April 1994. This agreement and others contained in the Final Act, along with the General Agreement on Tariffs and Trade as amended (GATT 1994), are part of the treaty which established the World Trade Organization (WTO). The WTO superseded the GATT as the umbrella organization for international trade.

The WTO Secretariat has prepared this text to assist public understanding of the SPS Agreement. It is not intended to provide legal interpretation of the agreement.

The Sanitary and Phytosanitary Measures Agreement

Problem: How do you ensure that your country’s consumers are being supplied with food that is safe to eat — "safe" by the standards you consider appropriate? And at the same time, how can you ensure that strict health and safety regulations are not being used as an excuse for protecting domestic producers?

The Agreement on the Application of Sanitary and Phytosanitary Measures sets out the basic rules for food safety and animal and plant health standards.

It allows countries to set their own standards. But it also says regulations must be based on science. They should be applied only to the extent necessary to protect human, animal or plant life or health. And they should not arbitrarily or unjustifiably discriminate between countries where identical or similar conditions prevail.

Member countries are encouraged to use international standards, guidelines and recommendations where they exist. However, members may use measures which result in higher standards if there is scientific justification. They can also set higher standards based on appropriate assessment of risks so long as the approach is consistent, not arbitrary.

The agreement still allows countries to use different standards and different methods of inspecting products.
Key Features

All countries maintain measures to ensure that food is safe for consumers, and to prevent the spread of pests or diseases among animals and plants. These sanitary and phytosanitary measures can take many forms, such as requiring products to come from a disease-free area, inspection of products, specific treatment or processing of products, setting of allowable maximum levels of pesticide residues or permitted use of only certain additives in food. Sanitary (human and animal health) and phytosanitary (plant health) measures apply to domestically produced food or local animal and plant diseases, as well as to products coming from other countries.

Protection or protectionism?

Sanitary and phytosanitary measures, by their very nature, may result in restrictions on trade. All governments accept the fact that some trade restrictions may be necessary to ensure food safety and animal and plant health protection. However, governments are sometimes pressured to go beyond what is needed for health protection and to use sanitary and phytosanitary restrictions to shield domestic producers from economic competition. Such pressure is likely to increase as other trade barriers are reduced as a result of the Uruguay Round agreements. A sanitary or phytosanitary restriction which is not actually required for health reasons can be a very effective protectionist device, and because of its technical complexity, a particularly deceptive and difficult barrier to challenge.

The Agreement on Sanitary and Phytosanitary Measures (SPS) builds on previous GATT rules to restrict the use of unjustified sanitary and phytosanitary measures for the purpose of trade protection. The basic aim of the SPS Agreement is to maintain the sovereign right of any government to provide the level of health protection it deems appropriate, but to ensure that these sovereign rights are not misused for protectionist purposes and do not result in unnecessary barriers to international trade.

Justification of measures

The SPS Agreement, while permitting governments to maintain appropriate sanitary and phytosanitary protection, reduces possible arbitrariness of decisions and encourages consistent decision-making. It requires that sanitary and phytosanitary measures be applied for no other purpose than that of ensuring food safety and animal and plant health. In particular, the agreement clarifies which factors should be taken into account in the assessment of the risk involved. Measures to ensure food safety and to protect the health of animals and plants should be based as far as possible on the analysis and assessment of objective and accurate scientific data.

International standards

The SPS Agreement encourages governments to establish national SPS measures consistent with international standards, guidelines and recommendations. This process is often referred to as "harmonization". The WTO itself does not and will not develop such standards. However, most of the WTO’s member governments (132 at the date of drafting) participate in the
development of these standards in other international bodies. The standards are developed by leading scientists in the field and governmental experts on health protection and are subject to international scrutiny and review.

International standards are often higher than the national requirements of many countries, including developed countries, but the SPS Agreement explicitly permits governments to choose not to use the international standards. However, if the national requirement results in a greater restriction of trade, a country may be asked to provide scientific justification, demonstrating that the relevant international standard would not result in the level of health protection the country considered appropriate.

Adapting to conditions

Due to differences in climate, existing pests or diseases, or food safety conditions, it is not always appropriate to impose the same sanitary and phytosanitary requirements on food, animal or plant products coming from different countries. Therefore, sanitary and phytosanitary measures sometimes vary, depending on the country of origin of the food, animal or plant product concerned. This is taken into account in the SPS Agreement. Governments should also recognize disease-free areas which may not correspond to political boundaries, and appropriately adapt their requirements to products from these areas. The agreement, however, checks unjustified discrimination in the use of sanitary and phytosanitary measures, whether in favour of domestic producers or among foreign suppliers.

Alternative measures

An acceptable level of risk can often be achieved in alternative ways. Among the alternatives—and on the assumption that they are technically and economically feasible and provide the same level of food safety or animal and plant health—governments should select those which are not more trade restrictive than required to meet their health objective. Furthermore, if another country can show that the measures it applies provide the same level of health protection, these should be accepted as equivalent. This helps ensure that protection is maintained while providing the greatest quantity and variety of safe foodstuffs for consumers, the best availability of safe inputs for producers, and healthy economic competition.

Risk Assessment

The SPS Agreement increases the transparency of sanitary and phytosanitary measures. Countries must establish SPS measures on the basis of an appropriate assessment of the actual risks involved, and, if requested, make known what factors they took into consideration, the assessment procedures they used and the level of risk they determined to be acceptable. Although many governments already use risk assessment in their management of food safety and animal and plant health, the SPS Agreement encourages the wider use of systematic risk assessment among all WTO member governments and for all relevant products.

Transparency
Governments are required to notify other countries of any new or changed sanitary and phytosanitary requirements which affect trade, and to set up offices (called "Enquiry Points") to respond to requests for more information on new or existing measures. They also must open to scrutiny how they apply their food safety and animal and plant health regulations. The systematic communication of information and exchange of experiences among the WTO’s member governments provides a better basis for national standards. Such increased transparency also protects the interests of consumers, as well as of trading partners, from hidden protectionism through unnecessary technical requirements.

A special Committee has been established within the WTO as a forum for the exchange of information among member governments on all aspects related to the implementation of the SPS Agreement. The SPS Committee reviews compliance with the agreement, discusses matters with potential trade impacts, and maintains close co-operation with the appropriate technical organizations. In a trade dispute regarding a sanitary or phytosanitary measure, the normal WTO dispute settlement procedures are used, and advice from appropriate scientific experts can be sought.

Questions and Answers

What are sanitary and phytosanitary measures? Does the SPS Agreement cover countries’ measures to protect the environment? Consumer interests? Animal welfare?

For the purposes of the SPS Agreement, sanitary and phytosanitary measures are defined as any measures applied:

- to protect human or animal life from risks arising from additives, contaminants, toxins or disease-causing organisms in their food;
- to protect human life from plant- or animal-carried diseases;
- to protect animal or plant life from pests, diseases, or disease-causing organisms;
- to prevent or limit other damage to a country from the entry, establishment or spread of pests.

These include sanitary and phytosanitary measures taken to protect the health of fish and wild fauna, as well as of forests and wild flora.

Measures for environmental protection (other than as defined above), to protect consumer interests, or for the welfare of animals are not covered by the SPS Agreement. These concerns, however, are addressed by other WTO agreements (i.e., the TBT Agreement or Article XX of GATT 1994).
Were n't a nation's food safety and animal and plant health regulations previously covered by GATT rules?

Yes, since 1948 national food safety, animal and plant health measures which affect trade were subject to GATT rules. Article I of the GATT (see note 1), the most-favoured nation clause, required non-discriminatory treatment of imported products from different foreign suppliers, and Article III required that such products be treated no less favourably than domestically produced goods with respect to any laws or requirements affecting their sale. These rules applied, for instance, to pesticide residue and food additive limits, as well as to restrictions for animal or plant health purposes.

The GATT rules also contained an exception (Article XX:b) which permitted countries to take measures "necessary to protect human, animal or plant life or health," as long as these did not unjustifiably discriminate between countries where the same conditions prevailed, nor were a disguised restriction to trade. In other words, where necessary, for purposes of protecting human, animal or plant health, governments could impose more stringent requirements on imported products than they required of domestic goods.

In the Tokyo Round of multilateral trade negotiations (1974-79) an Agreement on Technical Barriers to Trade was negotiated (the 1979 TBT Agreement or "Standards Code") (see note 2). Although this agreement was not developed primarily for the purpose of regulating sanitary and phytosanitary measures, it covered technical requirements resulting from food safety and animal and plant health measures, including pesticide residue limits, inspection requirements and labelling. Governments which were members of the 1979 TBT Agreement agreed to use relevant international standards (such as those for food safety developed by the Codex) except when they considered that these standards would not adequately protect health. They also agreed to notify other governments, through the GATT Secretariat, of any technical regulations which were not based on international standards. The 1979 TBT Agreement included provisions for settling trade disputes arising from the use of food safety and other technical restrictions.

What is new in the SPS Agreement?

Because sanitary and phytosanitary measures can so effectively restrict trade, GATT member governments were concerned about the need for clear rules regarding their use. The Uruguay Round objective to reduce other possible barriers to trade increased fears that sanitary and phytosanitary measures might be used for protectionist purposes. The SPS Agreement was intended to close this potential loophole. It sets clearer, more detailed rights and obligations for food safety and animal and plant health measures which affect trade. Countries are permitted to impose only those requirements needed to protect health which are based on scientific principles. A government can challenge another country’s food safety or animal and plant health requirements on the grounds that they are not justified by scientific evidence. The procedures and decisions used by a country in assessing the risk to food safety or animal or plant health must be made available to other countries upon request. Governments
have to be consistent in their decisions on what is safe food, and in responses to animal and plant health concerns.

**How do you know if a measure is SPS or TBT? Does it make any difference?**

The scope of the two agreements is different. The SPS Agreement covers all measures whose purpose is to protect:

- human or animal health from food-borne risks;
- human health from animal- or plant-carried diseases;
- animals and plants from pests or diseases;
  whether or not these are technical requirements.

The TBT (Technical Barriers to Trade) Agreement covers all technical regulations, voluntary standards and the procedures to ensure that these are met, except when these are sanitary or phytosanitary measures as defined by the SPS Agreement. It is thus the type of measure which determines whether it is covered by the TBT Agreement, but the purpose of the measure which is relevant in determining whether a measure is subject to the SPS Agreement.

TBT measures could cover any subject, from car safety to energy-saving devices, to the shape of food cartons. To give some examples pertaining to human health, TBT measures could include pharmaceutical restrictions, or the labelling of cigarettes. Most measures related to human disease control are under the TBT Agreement, unless they concern diseases which are carried by plants or animals (such as rabies). In terms of food, labelling requirements, nutrition claims and concerns, quality and packaging regulations are generally not considered to be sanitary or phytosanitary measures and hence are normally subject to the TBT Agreement.

On the other hand, by definition, regulations which address microbiological contamination of food, or set allowable levels of pesticide or veterinary drug residues, or identify permitted food additives, fall under the SPS Agreement. Some packaging and labelling requirements, if directly related to the safety of the food, are also subject to the SPS Agreement.

The two agreements have some common elements, including basic obligations for non-discrimination and similar requirements for the advance notification of proposed measures and the creation of information offices ("Enquiry Points"). However, many of the substantive rules are different. For example, both agreements encourage the use of international standards. However, under the SPS Agreement the only justification for not using such standards for food safety and animal/plant health protection are scientific arguments resulting from an assessment of the potential health risks. In contrast, under the TBT Agreement governments may decide that international standards are not appropriate for other reasons, including fundamental technological problems or geographical factors.

Also, sanitary and phytosanitary measures may be imposed only to the extent necessary to protect human, animal or plant health, on the basis of scientific information. Governments may, however, introduce TBT regulations when necessary to meet a number of objectives, such as national security or the prevention of deceptive practices. Because the obligations that
governments have accepted are different under the two agreements, it is important to know whether a measure is a sanitary or phytosanitary measure, or a measure subject to the TBT Agreement.

**How do governments and the interested public know who is doing what?**

The transparency provisions of the SPS Agreement are designed to ensure that measures taken to protect human, animal and plant health are made known to the interested public and to trading partners. The agreement requires governments to promptly publish all sanitary and phytosanitary regulations, and, upon request from another government, to provide an explanation of the reasons for any particular food safety or animal or plant health requirement.

All WTO Member governments must maintain an Enquiry Point, an office designated to receive and respond to any requests for information regarding that country’s sanitary and phytosanitary measures. Such requests may be for copies of new or existing regulations, information on relevant agreements between two countries, or information about risk assessment decisions. The addresses of the Enquiry Points can be consulted electronically at the WTO’s home page (http://www.wto.org, "Documents on Line", search document symbol "SPS/ENQ/").

Whenever a government is proposing a new regulation (or modifying an existing one) which differs from an international standard and may affect trade, they must notify the WTO Secretariat, who then circulates the notification to other WTO Member governments (over 700 such notifications were circulated during the first three years of implementation of the SPS Agreement). The notifications are also available to the interested public and can be consulted on the WTO web site (search document symbol "G/SPS/N/"). Alternatively, notifications can be requested from the Enquiry Point of the country which is proposing the measure.

Governments are required to submit the notification in advance of the implementation of a proposed new regulation, so as to provide trading partners an opportunity to comment. The SPS Committee has developed recommendations on how the comments must be dealt with.

In cases of emergency, governments may act without delay, but must immediately notify other Members, through the WTO Secretariat, and also still consider any comments submitted by other WTO Member governments.

**Does the SPS Agreement restrict a government’s ability to establish food safety and plant and animal health laws? Will food safety or animal and plant health levels be determined by the WTO or some other international institution?**

The SPS Agreement explicitly recognizes the right of governments to take measures to protect human, animal and plant health, as long as these are based on science, are necessary for the protection of health, and do not unjustifiably discriminate among foreign sources of supply. Likewise, governments will continue to determine the food safety levels and animal and plant
health protection in their countries. Neither the WTO nor any other international body will do this.

The SPS Agreement does, however, encourage governments to "harmonize" or base their national measures on the international standards, guidelines and recommendations developed by WTO member governments in other international organizations. These organizations include, for food safety, the joint FAO/WHO Codex Alimentarius Commission; for animal health, the Office International des Epizooties; and for plant health, the FAO International Plant Protection Convention. WTO member governments have long participated in the work of these organizations — including work on risk assessment and the scientific determination of the effects on human health of pesticides, contaminants or additives in food; or the effects of pests and diseases on animal and plant health. The work of these technical organizations is subject to international scrutiny and review.

One problem is that international standards are often so stringent that many countries have difficulties implementing them nationally. But the encouragement to use international standards does not mean that these constitute a floor on national standards, nor a ceiling. National standards do not violate the SPS Agreement simply because they differ from international norms. In fact, the SPS Agreement explicitly permits governments to impose more stringent requirements than the international standards. However, governments which do not base their national requirements on international standards may be required to justify their higher standard if this difference gives rise to a trade dispute. Such justification must be based on an analysis of scientific evidence and the risks involved.

What does harmonization with international food safety standards mean? Will this result in a lowering of health protection, i.e., downward harmonization?

Harmonization with international food safety standards means basing national requirements on the standards developed by the FAO/WHO Joint Codex Alimentarius Commission (see note 3). Codex standards are not "lowest common denominator" standards. They are based on the input of leading scientists in the field and national experts on food safety. These are the same government experts who are responsible for the development of national food safety standards. For example, the recommendations for pesticide residues and food additives are developed for Codex by international groups of scientists who use conservative, safety-oriented assumptions and who operate without political interference. In many cases, the standards developed by Codex are higher than those of individual countries, including countries such as the United States. As noted in the reply to the previous question, governments may nonetheless choose to use higher standards than the international ones, if the international standards do not meet their health protection needs.
Can governments take adequate precautions in setting food safety and animal and plant health requirements? What about when there may not be sufficient scientific evidence for a definitive decision on safety, or in emergency situations? Can unsafe products be banned?

Three different types of precautions are provided for in the SPS Agreement. First, the process of risk assessment and determination of acceptable levels of risk implies the routine use of safety margins to ensure adequate precautions are taken to protect health. Second, as each country determines its own level of acceptable risk, it can respond to national concerns regarding what are necessary health precautions. Third, the SPS Agreement clearly permits the precautionary taking of measures when a government considers that sufficient scientific evidence does not exist to permit a final decision on the safety of a product or process. This also permits immediate measures to be taken in emergency situations.

There are many examples of bans on the production, sale and import of products based on scientific evidence that they pose an unacceptable risk to human, animal or plant health. The SPS Agreement does not affect a government’s ability to ban products under these conditions.

Can food safety and animal and plant health requirements be set by local or regional governments? Can there be differences in requirements within a country?

It is accepted in the SPS Agreement that food safety and animal and plant health regulations do not necessarily have to be set by the highest governmental authority and that they may not be the same throughout a country. Where such regulations affect international trade, however, they should meet the same requirements as if they were established by the national government. The national government remains responsible for implementation of the SPS Agreement, and should support its observance by other levels of government. Governments should use the service of non-governmental institutions only if these comply with the SPS Agreement.

Does the SPS Agreement require countries to give priority to trade over food safety, or animal and plant health?

No, the SPS Agreement allows countries to give food safety, animal and plant health priority over trade, provided there is a demonstrable scientific basis for their food safety and health requirement. Each country has the right to determine what level of food safety and animal and plant health it considers appropriate, based on an assessment of the risks involved.

Once a country has decided on its acceptable level of risk, there are often a number of alternative measures which may be used to achieve this protection (such as treatment, quarantine or increased inspection). In choosing among such alternatives, the SPS Agreement requires that a government use those measures which are no more trade restrictive than required to achieve its health protection objectives, if these measures are technically and economically feasible. For example, although a ban on imports could be one way to reduce the risk of entry of an exotic pest, if requiring treatment of the products could also reduce the risk to the level considered acceptable by the government, this would normally be a less trade restrictive requirement.
Can national food safety and animal and plant health legislation be challenged by other countries? Can private entities bring trade disputes to the WTO? How are disputes settled in the WTO?

Since the GATT began in 1948, it has been possible for a government to challenge another country’s food safety and plant and animal health laws as artificial barriers to trade. The 1979 TBT Agreement also had procedures for challenging another signatory’s technical regulations, including food safety standards and animal and plant health requirements. The SPS Agreement makes more explicit not only the basis for food safety and animal and plant health requirements that affect trade but also the basis for challenges to those requirements. While a nation’s ability to establish legislation is not restricted, a specific food safety or animal or plant health requirement can be challenged by another country on the grounds that there is not sufficient scientific evidence supporting the need for the trade restriction. The SPS Agreement provides greater certainty for regulators and traders alike, enabling them to avoid potential conflicts.

The WTO is an inter-governmental organization and only governments, not private entities or non-governmental organizations, can submit trade disputes to the WTO’s dispute settlement procedures. Non-governmental entities can, of course, make trade problems known to their government and encourage the government to seek redress, if appropriate, through the WTO.

By accepting the WTO Agreement, governments have agreed to be bound by the rules in all of the multilateral trade agreements attached to it, including the SPS Agreement. In the case of a trade dispute, the WTO’s dispute settlement procedures (click here for an introduction, click here for details) encourage the governments involved to find a mutually acceptable bilateral solution through formal consultations. If the governments cannot resolve their dispute, they can choose to follow any of several means of dispute settlement, including good offices, conciliation, mediation and arbitration. Alternatively, a government can request that an impartial panel of trade experts be established to hear all sides of the dispute and to make recommendations.

In a dispute on SPS measures, the panel can seek scientific advice, including by convening a technical experts group. If the panel concludes that a country is violating its obligations under any WTO agreement, it will normally recommend that the country bring its measure into conformity with its obligations. This could, for example, involve procedural changes in the way a measure is applied, modification or elimination of the measure altogether, or simply elimination of discriminatory elements.

The panel submits its recommendations for consideration by the WTO Dispute Settlement Body (DSB), where all WTO Member countries are represented. Unless the DSB decides by consensus not to adopt the panel’s report, or unless one of the parties appeals the decision, the defending party is obliged to implement the panel’s recommendations and to report on how it has complied. Appeals are limited to issues of law and legal interpretations by the panel.
Although only one panel was asked to consider sanitary or phytosanitary trade disputes during the 47 years of the former GATT dispute settlement procedures, during the first three years of the SPS Agreement ten complaints were formally lodged with reference to the new obligations. This is not surprising as the agreement clarifies, for the first time, the basis for challenging sanitary or phytosanitary measures which restrict trade and may not be scientifically justified. The challenges have concerned issues as varied as inspection and quarantine procedures, animal diseases, "use-by" dates, the use of veterinary drugs in animal rearing, and disinfection treatments for beverages. Dispute settlement panels have been requested to examine four of the complaints; the other complaints have been or are likely to be settled following the obligatory process of bilateral consultations.

**Who was responsible for developing the SPS Agreement? Did developing countries participate in the negotiation of the SPS Agreement?**

The decision to start the Uruguay Round trade negotiations was made after years of public debate, including debate in national governments. The decision to negotiate an agreement on the application of sanitary and phytosanitary measures was made in 1986 when the Round was launched. The SPS negotiations were open to all of the 124 governments which participated in the Uruguay Round. Many governments were represented by their food safety or animal and plant health protection officials. The negotiators also drew on the expertise of technical international organizations such as the FAO, the Codex and the OIE.

Developing countries participated in all aspects of the Uruguay Round negotiations to an unprecedented extent. In the negotiations on sanitary and phytosanitary measures, developing countries were active participants, often represented by their national food safety or animal and plant health experts. Both before and during the Uruguay Round negotiations, the GATT Secretariat assisted developing countries to establish effective negotiating positions. The SPS Agreement calls for assistance to developing countries to enable them to strengthen their food safety and animal and plant health protection systems. FAO and other international organizations already operate programmes for developing countries in these areas.

**Was there public participation in the Uruguay Round negotiations? Were private sector interests or consumer interests excluded?**

GATT was an intergovernmental organization and it was governments which participated in GATT trade negotiations; neither private business nor non-governmental organizations participated directly. But as the scope of the Uruguay Round was unprecedented, so was the public debate. Many governments consulted with both their public and private sectors on various aspects of the negotiations, including the SPS Agreement. Some governments established formal channels for public consultation and debate while others did so on a more ad hoc basis. The GATT Secretariat also had considerable contact with international non-governmental organizations as well as with the public and private sectors of many countries involved in the negotiations. The final Uruguay Round results were subject to national ratification and implementation processes in most GATT member countries.
The WTO is, likewise, an intergovernmental organization. Private business and non-governmental organizations do not directly participate in its work, but can influence the work of the WTO through their contacts with their own governments. In addition, the WTO Secretariat regularly has contacts with many non-governmental organizations.

**What is the SPS Committee and who is on it? What does it do?**

The SPS Agreement established a Committee on Sanitary and Phytosanitary Measures (the "SPS Committee") to provide a forum for consultations about food safety or animal and plant health measures which affect trade, and to ensure the implementation of the SPS Agreement. The SPS Committee, like other WTO committees, is open to all WTO Member countries. Governments which have an observer status in the higher level WTO bodies (such as the Council for Trade in Goods) are also eligible to be observers in the SPS Committee. The Committee has agreed to invite representatives of several international intergovernmental organizations as observers, including Codex, OIE, IPPC, WHO, UNCTAD and the International Standards Organization (ISO). Governments may send whichever officials they believe appropriate to participate in the meetings of the SPS Committee, and many send their food safety authorities or veterinary or plant health officials.

The SPS Committee usually holds three regular meetings each year. It also holds occasional joint meetings with the TBT Committee on notification and transparency procedures. Informal or special meetings may be scheduled as needed.

During its first year, the SPS Committee developed recommended procedures and a standardized format for governments to use for the required advance notification of new regulations. Over 700 notifications of sanitary and phytosanitary measures were submitted and circulated by the end of 1997. The Committee considered information provided by governments regarding their national regulatory procedures, their use of risk assessment in the development of sanitary and phytosanitary measures and their disease-status, notably with respect to foot-and-mouth disease and fruit-fly. In addition, a considerable number of trade issues were discussed by the SPS Committee, in particular with regard to bovine spongiform encephalopathy (BSE). As required by the SPS Agreement, the SPS Committee developed a provisional procedure to monitor the use of international standards. The SPS Committee is continuing to work on guidelines to ensure consistency in risk management decisions, in order to reduce possible arbitrariness in the actions taken by governments. In 1998, the SPS Committee will review the operation of the SPS Agreement.

**Who benefits from the implementation of the SPS Agreement? Is the agreement in the interest of developing countries?**

**Consumers** in all countries benefit. The SPS Agreement helps ensure, and in many cases enhances, the safety of their food as it encourages the systematic use of scientific information in this regard, thus reducing the scope for arbitrary and unjustified decisions. More information will increasingly become available to consumers as a result of greater transparency in governmental procedures and on the basis for their food safety, animal and plant health
decisions. The elimination of unnecessary trade barriers allows consumers to benefit from a greater choice of safe foods and from healthy international competition among producers.

Specific sanitary and phytosanitary requirements are most frequently applied on a bilateral basis between trading countries. Developing countries benefit from the SPS Agreement as it provides an international framework for sanitary and phytosanitary arrangements among countries, irrespective of their political and economic strength or technological capacity. Without such an agreement, developing countries could be at a disadvantage when challenging unjustified trade restrictions. Furthermore, under the SPS Agreement, governments must accept imported products that meet their safety requirements, whether these products are the result of simpler, less sophisticated methods or the most modern technology. Increased technical assistance to help developing countries in the area of food safety and animal and plant health, whether bilateral or through international organizations, is also an element of the SPS Agreement.

Exporters of agricultural products in all countries benefit from the elimination of unjustified barriers to their products. The SPS Agreement reduces uncertainty about the conditions for selling to a specific market. Efforts to produce safe food for another market should not be thwarted by regulations imposed for protectionist purposes under the guise of health measures.

Importers of food and other agricultural products also benefit from the greater certainty regarding border measures. The basis for sanitary and phytosanitary measures which restrict trade are made clearer by the SPS Agreement, as well as the basis for challenging requirements which may be unjustified. This also benefits the many processors and commercial users of imported food, animal or plant products.

What difficulties do developing countries face in implementing the SPS Agreement? Will they receive any assistance in this regard? Are there special provisions for developing countries?

Although a number of developing countries have excellent food safety and veterinary and plant health services, others do not. For these, the requirements of the SPS Agreement present a challenge to improve the health situation of their people, livestock and crops which may be difficult for some to meet. Because of this difficulty, the SPS Agreement delayed all requirements, other than those dealing with transparency (notification and the establishment of Enquiry Points), until 1997 for developing countries, and until 2000 for the least developed countries. This means that these countries are not required to provide a scientific justification for their sanitary or phytosanitary requirements before that time. Countries which need longer time periods, for example for the improvement of their veterinary services or for the implementation of specific obligations of the agreement, can request the SPS Committee to grant them further delays.

Many developing countries have already adopted international standards (including those of Codex, OIE and the IPPC) as the basis for their national requirements, thus avoiding the need to devote their scarce resources to duplicate work already done by international experts. The
SPS Agreement encourages them to participate as actively as possible in these organizations, in order to contribute to and ensure the development of further international standards which address their needs.

One provision of the SPS Agreement is the commitment by members to facilitate the provision of technical assistance to developing countries, either through the relevant international organizations or bilaterally. FAO, OIE and WHO have considerable programmes to assist developing countries with regard to food safety, animal and plant health concerns. A number of countries also have extensive bilateral programmes with other WTO Members in these areas. The WTO Secretariat has undertaken a programme of regional seminars to provide developing countries (and those of Central and Eastern Europe) with detailed information regarding their rights and obligations stemming from this agreement. These seminars are provided in cooperation with the Codex, OIE and IPPC, to ensure that governments are fully aware of the role these organizations can play in assisting countries to meet their requirements and fully enjoy the benefits resulting from the SPS Agreement. The seminars are open to participation by interested private business associations and consumer organizations. The WTO Secretariat also provides technical assistance through national workshops and to governments through their representatives in Geneva.