



Dr Francisco D'Alessio

Deputy Head OIE Standards Department

**Framework for safe international trade
WTO SPS Agreement principles**

Regional webinar

*OIE Standards - Facilitating Safe International Trade -
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Framework for safe international trade

The framework to structure the discussions between exporting and importing countries and to agree on the sanitary requirements to be applied to achieve fair and safe trade of live animals and animal products is defined by...



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The World Trade Organization (WTO)

The World Trade Organization (WTO) is the international organization dealing with the global rules of trade. Its main function is to ensure that trade flows as smoothly, predictably and freely as possible.

- Was established 1 January 1995
- 164 members, accounting for 98% of world trade.
- its roles:
 - operates a global system of trade rules,
 - acts as a forum for negotiating trade agreements,
 - settles trade disputes between its members, and
 - it supports the needs of developing countries.

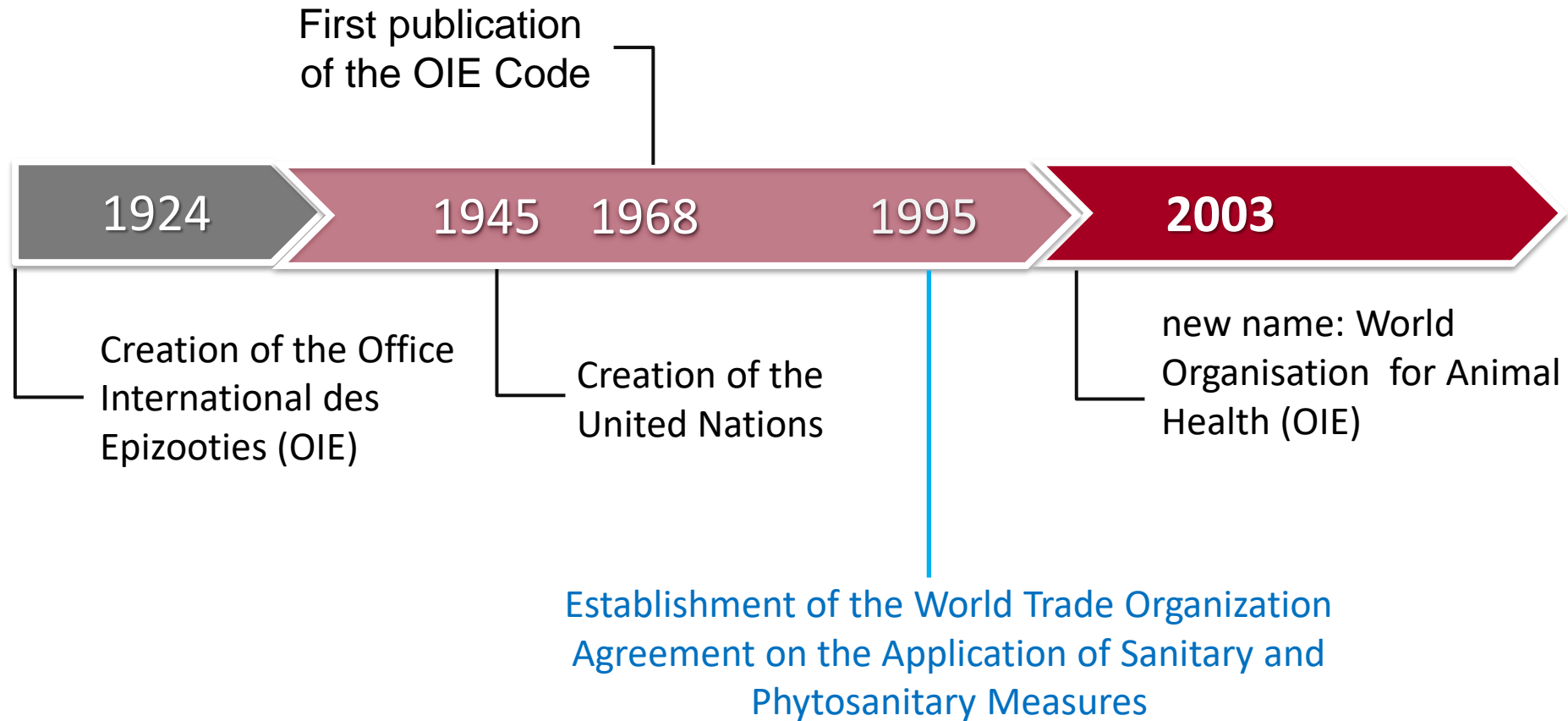


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Relevant WTO agreements

Agreement on
the Application
of Sanitary and
Phytosanitary
Measures (SPS)

Agreement
on Technical
Barriers to
Trade (TBT)

Trade
Facilitation
Agreement
(TFA)



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WTO Agreements define the legal rights and obligations of trading partners and reflect general WTO principles such as transparency, non-discrimination and harmonisation with international standards.



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WTO Agreement on the Application of Sanitary and Phytosanitary Measures (SPS)

Objective

Reach a balance between...

**The right to
protect animal,
plant and human
life and health**



**Avoiding
unnecessary
barriers to trade**

“applies to all sanitary and phytosanitary measures which may, directly or indirectly, affect international trade”

Definition of **sanitary measure**

- *Sanitary or phytosanitary measure - **Any measure applied:***
 - *to protect animal life or health within the territory of the Member from risks arising from the entry, establishment or spread of diseases, disease-carrying organisms or disease-causing organisms;*
 - *to protect human or animal life or health within the territory of the Member from risks arising from disease-causing organisms in foods, beverages or feedstuffs;*
 - *to protect human life or health within the territory of the Member from risks arising from diseases carried by animals or products thereof, or from the entry, establishment or spread of pests; or*
 - *to prevent or limit other damage within the territory of the Member from the entry, establishment or spread of pests.*
- Include all relevant laws, decrees, regulations, requirements and procedures including, inter alia, end product criteria; **processes and production methods; testing, inspection, certification and approval procedures; quarantine treatments** including relevant requirements associated with the transport of animals or plants, or with the materials necessary for their survival during transport; provisions on relevant statistical methods, sampling procedures and methods of risk assessment; and packaging and labelling requirements directly related to food safety.



Principles applicable to sanitary measures

Harmonisation

- SPS measures shall be based on scientific principles (Article 2.2)
- A country's sanitary measures must be based on international standards (Article 3.1)



Article 3

Members shall play a full part, in the relevant international organizations and their subsidiary bodies, in particular (...) the OIE, (...), to promote within these organizations the development and periodic review of standards, guidelines and recommendations with respect to all aspects of sanitary and phytosanitary measures.

Principles applicable to sanitary measures

Scientific risk assessment

- In the absence of a relevant international standard; or when a Member chooses to adopt a higher level of protection than the international standards provide, a country's sanitary measures must be based on risk assessment (Articles 3.3 & 5)

Equivalence

- Members shall accept the sanitary measures of other Members as equivalent, even if these measures differ from their own or from those used by other Members trading in the same product, if the exporting Member objectively demonstrates that they achieve the importing Member's appropriate level of sanitary protection (Article 4)



Principles applicable to sanitary measures

Regionalisation

- Members shall recognise the concept of disease-free areas, whether all of a country, part of a country, or all or parts of several countries (Article 6)
- Members shall ensure sanitary measures take into account (Article 6):
 - Disease prevalence
 - The existence of eradication or control programmes
 - The criteria or guidelines developed by the relevant international organisations



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Principles applicable to sanitary measures

Non discrimination

- Members shall ensure that their sanitary measures do not arbitrarily or unjustifiably discriminate between Members where identical or similar conditions prevail, including between their own territory and that of other Members (Article 2)
- Sanitary measures shall not be applied in a manner which would constitute a disguised restriction on international trade (Article 2)



Principles applicable to sanitary measures

Least trade restrictive

- When establishing or maintaining sanitary measures, Members shall ensure that their appropriate level of sanitary protection is achieved through the application of measures that are least restrictive to trade, taking into account technical and economic feasibility (Article 5).

Transparency

- Members shall notify changes in their sanitary measures and shall provide information on their sanitary measures (Article 7)



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Specific reference in OIE Standards

Chapter 5.3. OIE procedures relevant to the Agreement on the Application of Sanitary and Phytosanitary Measures of the World Trade Organization

Article 5.3.1.

- SPS Agreement in brief

Articles 5.3.2. to 5.3.6.

- General considerations on the judgement of the **equivalence** of sanitary measures

Article 5.3.7.

- Sequence of steps to be taken in establishing a **zone/compartment** and having it recognised for international trade purposes



In Summary - WTO SPS Agreement

- Is legally binding for WTO Members
- Sets the principles to regulate trading partners interactions to define sanitary measures
- Recognises OIE as international standard setting organisation for animal health and zoonoses
- Details of how to meet WTO obligations are in the SPS Agreement (+Annexes and Guidelines) and OIE Codes.



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Thank you for
your attention



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