

AGREEMENT ON SANITARY AND PHYTOSANITARY MEASURES - AN OVERVIEW

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INTRODUCTION

The Uruguay Round of Multilateral Trade Negotiations began in Punta del Este in September 1986 and concluded in Marrakech in April 1994. The Marrakech Agreement established the World Trade Organization (WTO) to succeed the former General Agreement on Tariffs and Trade (GATT). The WTO came into being on January 1, 1995. The Uruguay Round negotiations were the first to deal with the liberalization of trade in agricultural products; an area excluded from previous Rounds of negotiations. The Uruguay Round also included negotiations on reducing non-tariff barriers to international trade in agricultural products. It resulted in two binding Agreements: the Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement) and the Agreement on Technical Barriers to Trade (TBT Agreement). Both Agreements will be discussed in some detail during the course of this workshop.

The SPS Agreement confirms the right of WTO Member countries to apply measures necessary to protect human, animal and plant life and health. This right was included in the original 1947 General Agreement on Tariffs and Trade as a general exclusion from the other provisions of the Agreement provided that "such measures are not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination between countries where the same conditions prevail, or a disguised restriction on international trade." Despite this general condition for the application of national measures to protect human, animal and plant life and health, it had become apparent by the time the Punta del Este Declaration was initiated that national sanitary and phytosanitary measures had become, whether by design or accident, effective trade barriers.

As a result, the SPS Agreement came into being and set new rules in an area previously excluded from GATT disciplines. The purpose of the SPS Agreement is to ensure that measures established by governments to protect human, animal and plant life and health are consistent with obligations prohibiting arbitrary or unjustifiable discrimination on trade between countries where the same conditions prevail. Also, such measures shall not be applied in a manner that would constitute a disguised restriction on international trade. It requires that, with regard to food safety measures, WTO Members base their national measures on international standards, guidelines and other recommendations adopted by the Codex Alimentarius Commission (CAC); for animal life and health, measures should be based on those standards adopted and recommended by the International Offices of Epizootics (OIE), and for plant life and health, those standards and recommendations of the

International Plant Protection Convention (IPPC) apply. These Organizations are collectively referred to as the three sisters. The Agreement also allows for countries to adopt stricter measures than those adopted by the three sisters if there is a scientific justification for doing so or if the level of protection afforded by the recognized standard setting organizations is inconsistent with the level of protection generally applied and deemed appropriate by the country concerned. Discussions will take place on these and other important aspects of the Agreement in this and later sessions of the workshop. In order to have a better understanding of what the Agreement requires and the importance of the provisions of the Agreement a review will be made on important articles.

Article - 1 GENERAL PROVISIONS

This article provides the general provisions of the Agreement and indicates that this Agreement applies to all sanitary and phytosanitary measures which affect international trade. It informs us that definitions for terms used in the Agreement are provided in Annex A and that the definitions shall apply to this agreement and that, all the Annexes are an integral part of this Agreement. It further says that the rights of Members under the TBT Agreement with respect to measures not within the scope of the SPS Agreement are unaffected by the SPS Agreement.

Article - 2 BASIC RIGHTS

This article recognizes the rights of Members to establish sanitary and phytosanitary measures at the necessary level of protection for human, animal and plant life and health as long as they are not inconsistent with the provisions of this agreement. Only those measures that are necessary to protect human, animal and plant life and health are to be applied. They shall be based on scientific principles and shall not be maintained without sufficient scientific evidence.

Measures are not to be arbitrary, discriminatory, unjustified, unnecessary or disguised barriers to trade.

Sanitary and phytosanitary measures which conform with the relevant provisions of the Agreement shall be presumed to be in accordance with the obligations of the Members under the provisions of GATT 1994 which relate to the use of sanitary or phytosanitary measures, in particular the provisions of Article XX(b).

Article - 3 HARMONIZATION

This article requires Members to base their sanitary and phytosanitary measures on international standards, guidelines and recommendations, where they exist and if sufficient to provide the appropriate level of protection. Members can

establish a higher level of protection if scientific justification is provided in accordance with the requirements in Article 5 (Risk Assessment). In addition Members are to fully participate in the relevant international organizations (Codex, IPPC, and OIE), within the limits of their resources, to promote the development of sanitary and phytosanitary standards.

Sanitary and phytosanitary measures that conform to international standards are presumed to be in conformance with the requirements of this Agreement and GATT 1994. finally, the SPS Committee is to develop procedures to monitor the process of international harmonization and coordinate efforts in this regard with the relevant international organizations.

Article - 6 ADAPTATION TO REGIONAL

- Measures shall be adapted to specific areas of the country to minimize the impact on trade.
- Pest/disease free areas shall be identified and recognized.
- Low prevalence pest/disease shall be identified.
- Exporting countries shall provide information on pest/disease free areas.

Article 10 SPECIAL AND DIFFERENTIAL TREATMENT

The special and differential treatment provisions call for the consideration of the needs of developing and especially the least developed countries when preparing and implementing sanitary and phytosanitary measures. Such considerations include providing longer time frames for compliance on products of interest to developing country Members.

The SPS Committee also has the authority to grant developing and least developed Members, upon request, time limited exception in whole or in part from obligations under the agreement, taking into account their financial, trade and development needs. Developing and least developed country Members are also encouraged in this provision to take an active part in the activities of the international organizations.

Article 14. FINAL PROVISIONS.

The final provision of this Agreement allows the least developed country Members to delay application of the provisions of this Agreement for a period of five years following the date of entry into force of this with respect to their sanitary or phytosanitary measures affecting importation or imported products.

Other developing country Members may delay application of the provisions of this Agreement, other than paragraph 8 of Article 5 (providing a Member with information and an explanation as to the reasons for a sanitary or phytosanitary measure) and Article 7 (transparency, enquiry point and notification procedure, Annex B) for two years following the date of entry into force of this Agreement with respect to their existing sanitary or phytosanitary measures affecting importation or imported products, where such application is prevented by a lack of technical expertise, technical infrastructure or resources.

The entry into force date of the SPS Agreement was 1 January 1995.



RETIREMENTS

Dr. P.K. Muhsin retired from service. The Kerala state Veterinary Council Registrar, Dr. P. K. Muhsin retired from active Govt. Service on superannuation on 31/12/03. Dr. P. K. Muhsin is a leading farm journalist. he has published more than 350 technical articles through leading dailies and publications and has conducted about 50 radio talks. He has also bagged several awards like Dr. G. Nirmalan Trust Award for the Best Veterinarian for 1995, Farm Journalism Award for 1999.

Dr. G. Arthur Vijayan Lal, has retired from active service as Veterinary Scientist (G), Sree Chitra Tirunal Institute of Medical science & Technology. He belongs to 1966 batch of COVAS, Mannuthy. He has received the following awards/honours - Shared the NRDC Independence Day Award 1985 for Chitra Variflo Oxygenator. Nominated as Technical Representative of the Institute to the Live Animal Sectional Committee, AFDC-24. Received the Institute Incentive Award and Merit Certificate for the Scientific Evaluation of Materials and Devices - 1991. Shared the D. P. BASU Award - best paper award for work on experimental myocardial infarction and revascularisation with ND YAG Laser in dogs at the cardiology conference held at New Delhi on Nov. 3, 1992. Shared the MRSI - 1993 Poster Session Award during Annual meeting held at RRL, Trivandrum for "Hydrogel microspheres for Therapeutical embolisation." Shared the FIE Foundation Award, 1996, for the development of Chitra Heart Valve prosthesis. Shared the MRSI prize for the Best Paper published in the Bulletin of Material Science on Short term Tissue Response to Carbon Fiber: A preliminary invitro and invivo study. December 1998.

Dr. B. Sasikumar, Managing Director KLD Board has retired from active service on 30/4/04.

We wish them a happy and prosperous retired life.