The Ten Commandments of the Sanitary and Phytosanitary Agreement of the World Trade Organization

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It is a well-known fact that the agreement creating the World Trade Organization (WTO) took effect on January 1, 1995, and that the WTO replaced the General Agreement on Tariffs and Trade (GATT).

When the World Trade Organization began operations in January 1995, the Agreement on the Application of Sanitary and Phytosanitary Measures (SPS) also took effect. This agreement addresses the proper application of food safety, animal health and plant protection rules, as they relate to international agricultural trade.

Now that tariffs or taxes on agricultural imports and exports have been eliminated totally or gradually, and other non-tariff barriers such as advance permits and overall import quotas have been eliminated or restricted, the only regulations remaining to regulate international agricultural trade now and in the future are sanitary and phytosanitary measures.

The Agreement on the Application of Sanitary and Phytosanitary Measures, which constitutes a commitment on the part of the Member States of the WTO in this field, contains 14 articles and three annexes.

The governments and the agricultural industry of the countries of the Americas have requested the Inter-American
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Institute for Cooperation on Agriculture (IICA), to indicate them, in a practical way, how they should comply with those commitments.

For practical results we transformed those commitments into the following Ten Commandments.

**FIRST COMMANDMENT**

**PARTICIPATION IN RELEVANT INTERNATIONAL ORGANIZATIONS: INTERNATIONAL OFFICE OF EPIZOOTICS (OIE), SECRETARIAT OF THE INTERNATIONAL PLANT PROTECTION CONVENTION (IPPC) AND CODEX ALIMENTARIUS**

Governments must participate actively in the work of these organizations, which draw up international standards on animal health, plant protection and food safety. Also, the OIE, at the world level, and the IPPC, through its regional organizations, gather and disseminate information on the presence and distribution of diseases and pests and on the latest technological advances in their diagnosis, prevention and control.

Those governments not participating in the work of these organizations will not be able to offer opinions on and make decisions regarding the approval of international standards for the application of sanitary and phytosanitary measures, some of which may not be appropriate for a given country. However, governments not involved in discussions on such measures will not be able to stop their approval.

Furthermore, if they do not participate actively in the work of these organizations, they will not have access to up-to-date information on the presence and evolution of pests and diseases.
around the globe that could pose a serious threat to a given country. Both this, and their not being up to date on the information generated in these organizations regarding the latest developments in this field, can lead to the technological isolation of non-participating countries.

SECOND COMMANDMENT

ADAPTATION OF LAWS, RULES AND STANDARDS TO THE TERMS OF THE SPS AGREEMENT

The harmonization of national legislation, to adapt it to the terms of the SPS Agreement, is essential, especially as regards the use of the international standards of the OIE, IPPC and Codex Alimentarius as a reference in developing relevant national measures.

It is essential to incorporate into national regulations the concepts of risk assessment and determination of the appropriate level of sanitary and phytosanitary protection, as well as the recognition of pest- or disease-free areas and areas of low pest or disease prevalence, if the countries are to be in a position to comply with the SPS Agreement.

As regards transparency, governments must adapt their procedures to the terms of the SPS Agreement concerning the publication of regulations, enquiry points and notification procedures.

If they do not harmonize their laws, rules and standards, as well as their publication, information and notification and procedures, as set forth in the SPS Agreement, governments will be out of synch with countries that do adapt their legislation and procedures. As a result, there will be differences in interpretation during international agricultural negotiations.
The Sanitary and Phytosanitary Measures Committee of the WTO is responsible for overseeing the manner in which international standards are used at the national level. It is likely that in the future the Committee will strengthen its oversight of the harmonization of international standards at the level of individual countries.

**THIRD COMMANDMENT**

**USE OF RISK ANALYSIS STUDIES**

The countries must be certain that all the sanitary and phytosanitary measures they apply are based on risk analysis studies. To this end, they must develop the capability to conduct such studies and retain the services of qualified professionals.

If they do not establish risk analysis units and secure the professional expertise required, the countries will not be able to provide scientific and technical justification for the sanitary and phytosanitary measures they apply to imports, or for their claims regarding pest- or disease-free areas or areas of low pest and disease prevalence.

Likewise, they will not be able to analyze the risk assessment studies of other countries calling for the recognition of pest- or disease-free areas or areas of low pest and disease prevalence, or to argue against those import measures imposed by other countries that could hinder agricultural trade operations.

**FOURTH COMMANDMENT**

**TRANSPARENCY OF INFORMATION**

The SPS Agreement states very clearly the actions governments must take to ensure transparency in the adoption of their sanitary and phytosanitary rules. This includes publishing
proposed rules in advance and allowing time for comments on same from the public; and the establishment of enquiry points for consultations on rules and inspection and control procedures applicable to imports and exports.

The Secretariat of the WTO is responsible for receiving the notifications of new sanitary and phytosanitary rules from the governments, and for transmitting them to the other Member States.

If governments do not comply with the requirements regarding transparency, this may lead trading partners to lodge protests with the Secretariat of the WTO, and give rise to complaints from both national and international users.

**FIFTH COMMANDMENT**

**REINFORCEMENT OF EXPORT CERTIFICATION PROCEDURES**

An exporting country is obligated to guarantee that the sanitary and phytosanitary certificates it issues comply with the requirements imposed by an importing country, and, when necessary, should grant the importing country reasonable access to learn of its inspection, testing, treatment and other procedures. This is true especially when it is necessary to demonstrate the equivalence of the sanitary and phytosanitary measures applied by the exporting country and those applied or imposed by the importing country.

As regards international agricultural trade relations, it is essential that the certification procedures followed by exporting countries be ethical and carried out with professionalism.

Therefore, exporting countries must make a special effort to strengthen their export certification services. If they do not,
they run the risk of losing credibility and the trust of their trading partners, which can translate into stricter and more lengthy inspection procedures in importing countries and, eventually, into a loss of markets.

**SIXTH COMMANDMENT**

**REINFORCEMENT OF IMPORT INSPECTION AND QUARANTINE PROCEDURES**

The SPS Agreement is very clear regarding the right of countries to adopt sanitary and phytosanitary measures to protect human, animal or plant life or health.

The import inspection and quarantine services of the countries are responsible for providing such protection, and the effective operation of same is of vital importance in complying with this responsibility.

If such services are not operated properly, there is a risk that exotic pests and diseases may enter the country. Should they enter, and become established, in the country, markets may be lost as a result of this change in its agricultural health situation.

Likewise, as a result of shortcomings in the operation of such services, agricultural products that are contaminated or contain residues harmful to public health may enter the country.

**SEVENTH COMMANDMENT**

**MODERNIZATION OF LABORATORY SERVICES**

In order to comply with the requirement to follow export certification procedures that are justifiable technically, and to
effectively carry out import inspection and quarantine procedures, the countries must have the laboratory infrastructure needed for the accurate diagnosis of diseases and pests, the identification of toxic residues, and the analysis and verification of the quality of agricultural chemicals and veterinary products.

If the countries do not have such laboratories, they will run the risk of losing markets; they will not be able to justify to importing countries, with tests and laboratory analyses, the export certificates they issue.

Also, there will be a greater risk of the introduction of exotic diseases and pests, products containing residues that pose a threat to public health, and ineffective agricultural chemicals and veterinary products, given the lack of laboratory services for the detection of such problems during the import inspection process.

**EIGHTH COMMANDMENT**

**STRENGTHENING THE INFORMATION, SURVEILLANCE AND ALERT SERVICE**

It is essential that the countries operate services that provide information, surveillance and alerts on animal and plant diseases and pests, and monitor the presence of toxic or harmful residues in animals and agricultural products. These services enable the countries to detect problems that could put their sanitary and phytosanitary situation at risk and, therefore, also restrict agricultural exports.

The establishment and effective operation of such services is a commitment assumed under the SPS Agreement, which requires that the Member States send notification of any sanitary or phytosanitary problem that could put public health or
agricultural health at risk. Notification must be sent to the respective international organizations; OIE, IPPC and the organizations that participate in the Codex Alimentarius (United Nations Food and Agriculture Organization -FAO- and the World Health Organization -WHO-).

In addition to the above, if no effective surveillance and monitoring service is in operation, it will be impossible to provide scientific and technical justification for claims regarding pest- or disease-free areas and areas of low pest or disease prevalence in an exporting country, which is required by importing countries.

NINTH COMMANDMENT

MODERNIZATION OF PROCEDURES FOR REGISTERING AND CONTROLLING AGRICULTURAL CHEMICALS AND VETERINARY PRODUCTS

The modernization of procedures for registering and controlling agricultural chemicals, especially pesticides, and veterinary products, is an urgent task governments must undertake if they are going to regulate properly the production, distribution, sale, use, importation and exportation of such products.

This commitment, assumed under the SPS Agreement, is based on the obligation of the Member States to comply with the control, inspection and approval procedures called for in the Agreement, especially as regards tolerances for contaminants in agricultural products. Appropriate measures of this type cannot be established unless an effective system for the registration and control of agricultural chemicals and veterinary products exists.

If the countries do not have an effective registration and control service in place, they will find it difficult to harmonize
their procedures with those of other countries. This could give rise to the indiscriminate use of all kinds of products, leading to the development of resistant pests, risks for public health and the eventual loss of foreign and domestic markets for such products and agricultural products in general.

**TENTH COMMANDMENT**

**CONTROL AND ERADICATION OF DISEASES AND PESTS THAT HINDER TRADE**

There are a large number of animal and plant diseases and pests that, given their ability to spread and because of the economic losses they cause, are believed to pose a great risk. Consequently, they deserve special attention in international agricultural trade operations.

The control and eradication of such diseases and pests is essential to improving the agricultural health situation of the countries, and to avoiding exclusion from trade with those countries free of same.

Exporting countries that lack properly planned and organized programs for the control and eradication of these diseases and pests will face several problems: importing countries will place limits on the entry of animals and agricultural products from them; the cost of implementing stricter diagnosis, inspection, certification and treatment procedures will increase; and, in the long run, export markets may be lost.

**CONCLUSION**

As we have seen, compliance with the guidelines established in the SPS Agreement of the WTO involves not only a
formal commitment on the part of, but also benefits for, the agricultural sectors of the signatory Member States, if it is their intention to gain greater access to international agricultural markets.

Not only government authorities are responsible for complying with the Ten Commandments analyzed herein. They must also be assumed jointly by all those involved in agriculture, especially farmers and operators of agribusinesses, who, in the long run, will be the principal beneficiaries of an agricultural trade regime that is free of sanitary and phytosanitary barriers.

The most effective way to move forward in complying with these commitments is for the government and private sectors to share this responsibility.

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