The International Framework for Food Control Systems

World Trade Organization Agreements (SPS and TBT) and Codex Alimentarius

About the FAO Policy Learning Programme

This programme aims at equipping high level officials from developing countries with cutting-edge knowledge and strengthening their capacity to base their decisions on sound consideration and analysis of policies and strategies both at home and in the context of strategic international developments.

Related resources

- See all material prepared for the FAO Policy Learning Programme
- See the FAO Policy Learning Website: http://www.fao.org/tc/policy-learning/en/
The International Framework for Food Control Systems
World Trade Organization Agreements (SPS and TBT) and Codex Alimentarius

By
Catherine Bessy, Nutrition Officer
Food Quality and Standards Service, Nutrition and Consumer Protection Division, FAO, Rome, Italy

About EASYPol
The EASYPol home page is available at: www.fao.org/easypol

This presentation belongs to a set of modules which are part of the EASYPol Resource package:
FAO Policy Learning Programme : Specific policy issues: Food safety policies and regulatory frameworks

EASYPol is a multilingual repository of freely downloadable resources for policy making in agriculture, rural development and food security. The resources are the results of research and field work by policy experts at FAO. The site is maintained by FAO’s Policy Assistance Support Service, Policy and Programme Development Support Division, FAO.
Objectives

After this module, readers should know about:

- The main features of SPS and TBT Agreements
- Their linkages with food control
- The relationship between WTO Agreements and Codex Alimentarius standards
Contents

- Presentation of SPS and TBT agreements
- Implications on food control
- Codex Alimentarius Commission, structure and standards setting process
WTO Trade Agreements: SBS & TBT

**Agreement on Sanitary and Phytosanitary Measures (SPS)** covers:
- Food safety
- Animal health
- Plant health

**Agreement on Technical Barriers to trade (TBT)**
- Guarantees quality
- Protects health and life of human, animal and plants
- Protects the environment
- Prevents fraud
SPS or TBT?

**SPS**

Protection of:
- Human or animal health against food safety risks
- Human health against animal diseases
- Plants or animals against parasites, diseases, pests

E.g., bacteria, drug or pesticides residues, locusts, water hyacinth

**TBT**

- Fight against human epidemics
- Nutritional issues
- Packaging
- Food quality
- Correct use

E.g., human drugs
Food labelling (exc. Food safety)
Quality or manipulation of insecticides
Main purpose for SPS and TBT agreement:

- *Technical regulations* and *sanitary measures* shall not become unnecessary obstacles to trade.
- Members are free to establish their “*appropriate*” levels of protection but these must be based:
  - On *science* for SPS measures
  - On *legitimate objectives* for Technical specifications (TBT)
Specificities for the SPS Agreement

SPS measures must be based on science (risk assessment procedures - recognition of geographical specificities)

SPS agreement Article 5.1:
“Members shall ensure that their sanitary or phytosanitary measures are based on an assessment, as appropriate to the circumstances, of the risks to human, animal or plant life or health, taking into account risk assessment techniques developed by the relevant international organizations.”

Codex Alimentarius Standards are a benchmark for food safety
Specificities for the TBT Agreement

Technical regulations must be justified by a legitimate objective
(quality, security, loyalty, protection of the environment,
geographical specificities)

Reference made to international standardization bodies
(ISO, Codex...)

© FAO January 2008
Common features of SPS and TBT agreements (2)

- Concept of **Equivalence** (recognize that a different measure can achieve the same protection level)

- Choice of the **least restrictive** measure or regulation for trade

- Obligation of **Transparency** (notification procedures – enquiry points)
Common features of SPS and TBT agreements (1)

- **Same treatment** for national or imported goods (inspection or conformity assessment procedures)

- Encourage **Harmonization** of SPS measures and technical regulations (ref. to international standardization institutions) – SPS and TBT committees

- Right to **Technical assistance** for developing countries
SPS or TBT?

Measure intended to protect:
- Human life against Contaminants, additives, toxins, animal diseases
- Animal health against Contaminants, additives, toxins, disease
- Plants against pests, diseases, path. Organisms
- Country against the entry, multiplication or dissemination of pests

Is it a technical regulation, a standard or a CAP?

YES

SPS

NO

TBT
EXERCISE 1

Discuss if this is an SPS or a TBT measure
Relationship between a Codex standard and the SPS/TBT Agreements

Bottling method (SPS)  
* Codex Code of Hygiene Practice

Product description (TBT)  
* Codex standard

Contaminants (SPS)  
* Codex general standard for contaminants

Packaging material in direct contact with food (SPS)

Labelling (TBT) Codex general standard for Labelling of Pre-packaged Foods

Additives (SPS) Codex general standard for Food Additives

Package specifications (TBT)
EXERCISE 2

Using the SPS Agreement...
The Codex standards, guidelines and recommendations relating to:

- food additives
- veterinary drug and pesticide residues
- contaminants
- methods of analysis and sampling
- codes and guidelines of hygienic practice
- Ex: Cinnamon- Sulphur dioxyde
What is Codex Alimentarius?

**Codex Alimentarius**: “Food code”
- Food standards
- Guidelines
- Codes of practice
- Recommendations
Mandate of the Codex Alimentarius Commission

- To protect the health of consumers
- To ensure fair practices in food trade
- To promote harmonization in international standards setting work
Codex Alimentarius Commission

- **Parent organizations:** WHO and FAO
- **174 members** (also members of FAO and or WHO)
- **Started in May 1963**
- **Meets annually**
- **Executive Committee**
- **Secretariat in Rome**
Subsidiary bodies of Codex

Four types

- general subject committees (horizontal)
- commodity committees (vertical)
- regional coordinating committees
- *ad hoc* intergovernmental task forces
Codex organizational chart

CODEX ALIMENTARIUS COMMISSION

Executive Committee

General Subject Committees
- General principles
- Food additives
- Contaminants in foods
- Food hygiene
- Food import and export inspection and certification systems

Commodity Committees
- Methods of analysis and sampling
- Pesticide residues
- Residues of veterinary drugs in foods
- Food labelling
- Nutrition and foods for special dietary uses

Active
- Milk and milk products
- Processed fruits and vegetables
- Fish and fishery products
- Fresh fruit and vegetables
- Fats and oils

ad hoc Intergovernmental Task Forces
- Biotechnology
- Antimicrobial resistance
- Processing and handling of quick frozen foods

Regional Coordinating Committees
- Africa
- Latin America and the Caribbean
- Asia
- North America and the South west Pacific
- Europe
- Near East
EXERCISE

Decide in which committees your country should participate
Main criteria for new commodity standards

- Consumer protection in the form of protecting health and preventing fraudulent practices
- Volume of production and consumption in individual countries and volume and pattern of trade between countries
- Diversification of national legislation and apparent resultant or potential impediments to international trade
Inclusiveness: ensure that all countries participate in the process (even if not physically present at the committee meeting)

Transparency: information shared with all Codex members
Elaboration procedures (eight-step normal)

**Step 1:** The Commission decides to elaborate a standard and assigns the work to a committee. A decision to elaborate a standard may also be taken by a committee.

**Step 2:** The Secretariat arranges preparation of a proposed draft standard.

**Step 3:** The proposed *draft standard* is sent to governments and international organizations for *comment*.

**Step 4:** The Secretariat *forwards comments* to the committee.
Step 5: The **proposed draft standard is sent to the Commission** through the Secretariat for adoption as a draft standard.

Step 6: The **draft standard is sent to governments** and international organizations for comment.

Step 7: The Secretariat **forwards comments to the committee**

Step 8: The **draft standard is submitted to the Commission** through the Secretariat for adoption as a Codex standard.
Format for Codex standards

- Standard format for commodity standards allows uniform presentation

- Does not apply to codes of practice, guidelines or recommendations
Components of a commodity standard

1. Name
2. Scope
3. Description
4. Essential components and quality factors
5. Food additives
6. Contaminants
7. Hygiene
8. Weights and measures
9. Labelling
10. Methods of analysis and sampling
Conclusion

- WTO agreements have deeply modified the food control practices
- Global trend towards harmonization and transparency
- Developing countries must reinforce their participation in these negotiations *fora* (Codex, SPS and TBT Committees)
Further readings

- Codex website
  [http://www.codexalimentarius.net/web/index_en.jsp](http://www.codexalimentarius.net/web/index_en.jsp)

- SPS and TBT agreements
  [http://www.wto.org/english/docs_e/legal_e/legal_e.htm#annex3](http://www.wto.org/english/docs_e/legal_e/legal_e.htm#annex3)