

SPS AGREEMENT AND GM CROPS

Agriculture and Commodities Division
WTO

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What is the objective of the SPS Agreement?

Recognizing the right to protect human, animal, plant life or health



Avoiding unnecessary barriers to trade

What are SPS measures?

A measure taken to protect:

Human or
animal health

from

risks arising from additives,
contaminants, toxins or disease
organisms in food, drink, feedstuff

Human life

from

plant- or animal-carried diseases

Animal or
plant life

from

pests, diseases, disease-causing
organisms

Territory of
Member

from

other damage caused by entry,
establishment or spread of pests

All types of measures with these purposes including:

- ✓ product criteria
- ✓ quarantine measures
- ✓ processing methods
- ✓ certification
- ✓ inspection
- ✓ testing
- ✓ packaging, labelling
(food safety)

***It is not the type of measure that counts,
nor the products involved, but rather its objective!***

Scientific justification

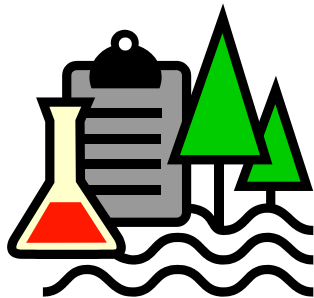
Members shall ensure that any SPS measure is:

based on scientific principles

applied only to the extent necessary to protect human, animal or plant life or health (least trade restrictive)

not maintained without sufficient scientific evidence

except as provided for in Article 5.7



What science is relevant?

- International standards
 - Codex - Joint FAO/WHO Codex Alimentarius Commission
 - OIE - World Organisation for Animal Health
 - IPPC - International Plant Protection Convention (FAO)
- Risk assessment
 - an assessment, as appropriate, of the risks to human, animal or plant life or health
 - taking into account, *inter alia*,
 - Risk assessment techniques developed by the relevant international organizations
 - Scientific evidence
 - Processes and production methods
 - Inspection, sampling, and testing methods
 - Ecological and environmental conditions

Provisional measures

Members may provisionally adopt SPS measures

- ✓ when relevant scientific information is insufficient
- ✓ on the basis of available information

In such circumstances, Members shall

- ✓ seeks to obtain additional information to assess risk
- ✓ review the measure within a reasonable period of time



Least trade restrictive

- SPS measures not to be more trade restrictive than required to achieve the appropriate level of protection
- Alternative measure...
 - reasonably available
 - technically and economically feasible
 - significantly less trade restrictive

What about WTO jurisprudence as it relates to low level presence of GMOs?

- Scope of SPS Agreement (EC Biotech)
 - “avoid adverse effects on human health and the environment ...” – includes impacts on biodiversity
 - “ensure that products do not present a danger for the consumer” – includes possible risks from allergens
- Risk assessment and provisional measures (Can/US – Continued suspension)
 - International standards and sufficient scientific evidence
 - Evaluation of sufficiency of scientific evidence