

WORLD TRADE ORGANIZATION

G/SPS/GEN/151
6 December 1999

(99-5353)

Committee on Sanitary and Phytosanitary Measures

THE DIFFERENCE BETWEEN SPS AND TBT MEASURES

Presentation made by the Secretariat at the Special Meeting
of the SPS Committee on Transparency Provisions
held on 9 November 1999



The difference between SPS and TBT measures



Article 1.4 of the SPS Agreement:
(Article 1 - General Provisions)

“Nothing in this Agreement shall affect the rights of Members under the Agreement on Technical Barriers to Trade with respect to measures not within the scope of this Agreement. ”

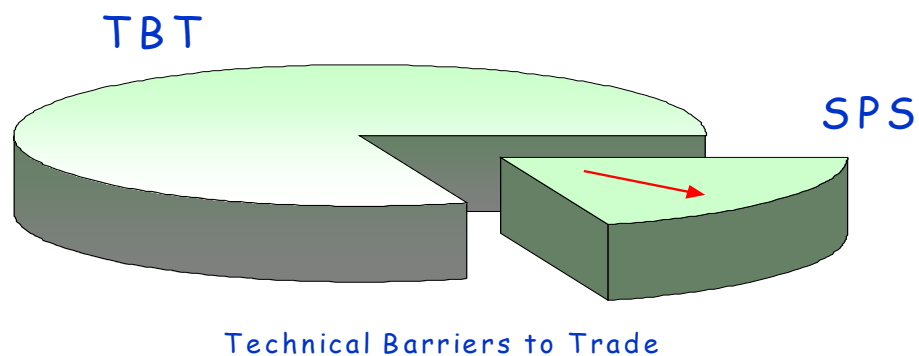


Article 1.5 of the **TBT** Agreement:
(Article 1 - General Provisions)

“The provisions of this Agreement do not apply to sanitary and phytosanitary measures as defined in Annex A of the Agreement on the Application of Sanitary and Phytosanitary Measures.”



January 1995
WTO SPS and TBT Agreements





The definition of an SPS measure




Article 1, General Provisions:

Paragraph 2


*“For the purposes of this Agreement,
the definitions provided in Annex A shall apply.”*

Paragraph 3

*“The annexes are an integral part of this
Agreement.”*



<i>to protect:</i>	<i>from:</i>
human or animal life	risks arising from additives, contaminants, toxins or disease-causing organisms in their food, beverages, feedstuffs;
human life	plant- or animal-carried diseases (zoonoses);
animal or plant life	pests, diseases, or disease-causing organisms;
a country	damage caused by the entry, establishment or spread of pests



Definition of an SPS measure (1:4)

<i>to protect:</i>	<i>from:</i>
human or animal life	risks arising from additives, contaminants, toxins or disease-causing organisms in their <u>food</u> , <u>beverages</u> , <u>feedstuffs</u> ;



**WORLD TRADE
ORGANIZATION**

G/SPS/N/KOR/64
22 October 1999

(99-4597)

Committee on Sanitary and Phytosanitary Measures

Original: English

NOTIFICATION

- | | |
|----|--|
| 1. | Member to Agreement notifying: REPUBLIC OF KOREA
If applicable, name of local government involved: |
| 2. | Agency responsible: Korea Food and Drug Administration |
| 3. | Products covered (provide tariff item number(s) as specified in national schedules deposited with the WTO; ICS numbers may be provided in addition, where applicable). Regions or countries likely to be affected, to the extent relevant or practicable: Apple, cabbage, Chinese cabbage, Chwinamul, Chamnamul, Chicory leaves, citron, cucumber, grapes, garlic, lettuce, mandarin, mushroom, Perilla leaves, pepper, pepper leaves, persimmon, potato, pear, rice, strawberry, tea, watermelon and Welsh onion |



FOOD SAFETY

- "Apple, cabbage, Chinese cabbage, ...
cucumber, grapes, garlic, lettuce, ...
tea, watermelon ..."
- "Amendment of the Maximum Residue
Limits for pesticides ..."



WORLD TRADE ORGANIZATION

G/SPS/N/COL/1
21 April 1997

(97-1707)

Committee on Sanitary and Phytosanitary Measures

NOTIFICATION

1. Member to Agreement notifying: **COLOMBIA**
If applicable, name of local government involved:
2. Agency responsible: National Council for Standards and Quality
3. Products covered (tariff item number(s) as specified in national schedules deposited with the WTO. ICS numbers may be provided in addition, where applicable): **Utensils with a non-stick coating**
4. Title and number of pages of the notified document: Draft Request to Give Mandatory Force to Colombian Technical Standard 2169 (Articles for Domestic Use. Utensils with a Non-Stick Coating for Cooking, Frying and Baking) (Fourth Update) in Respect of Requirements Concerning Coating and Base Materials; Lead and Cadmium Content; Adhesion of the Paint and Non-Stick Surface to the Base Material; Strength of Handles, Holders and Fastenings; Nominal Capacity; Temperature of Handles, Holders and Knobs (31 pages)



FOOD SAFETY

- "Utensils with a non-stick coating"
- "... lead and cadmium content ...
adhesion of the paint ... temperature
..."



**WORLD TRADE
ORGANIZATION**

G/SPS/N/LVA/28
19 August 1999

(99-3495)

Committee on Sanitary and Phytosanitary Measures

Original: English

NOTIFICATION

- | | |
|----|---|
| 1. | Member to Agreement notifying: THE REPUBLIC OF LATVIA
If applicable, name of local government involved: |
| 2. | Agency responsible: Ministry of Agriculture |
| 3. | Products covered (provide tariff item number(s) as specified in national schedules deposited with the WTO; ICS numbers may be provided in addition, where applicable). Regions or countries likely to be affected, to the extent relevant or practicable: Raw milk |



FOOD SAFETY

- "Raw milk"
- "Regulation contains quality requirements of raw milk intended for processing (10 pages)"



**WORLD TRADE
ORGANIZATION**

G/SPS/N/NZL/49
6 October 1999

(99-4171)

Committee on Sanitary and Phytosanitary Measures

Original: English

NOTIFICATION

- | | |
|----|---|
| 1. | Member to Agreement notifying: NEW ZEALAND
If applicable, name of local government involved: |
| 2. | Agency responsible: Australia New Zealand Food Authority (ANZFA) |
| 3. | Products covered (provide tariff item number(s) as specified in national schedules deposited with the WTO; ICS numbers may be provided in addition, where applicable). Regions or countries likely to be affected, to the extent relevant or practicable: Vitamins and minerals in general purpose foods |



FOOD SAFETY

- "Vitamins and minerals in general foods"
- "A proposal to harmonize the permissions between Australia and New Zealand for voluntary addition of vitamins and minerals"



Definition of an SPS measure (2:4)

to protect:

human life

from:

plant- or animal-carried diseases
(zoonoses);



**WORLD TRADE
ORGANIZATION**

G/SPS/N/JPN/46
30 July 1999

(99-3225)

Committee on Sanitary and Phytosanitary Measures

Original: English

NOTIFICATION

1. Member to Agreement notifying: **JAPAN**
If applicable, name of local government involved:
2. Agency responsible: **Ministry of Health and Welfare; Ministry of Agriculture, Forestry and Fishery**
3. Products covered (provide tariff item number(s) as specified in national schedules deposited with the WTO; ICS numbers may be provided in addition, where applicable). Regions or countries likely to be affected, to the extent relevant or practicable: **Non-human primates. All countries exporting non-human primates to Japan**



**PROTECT HUMAN LIFE
FROM PLANT OR ANIMAL
CARRIED DISEASES**

- "Non-human primates. All countries exporting non-human primates to Japan"
- "... prevent invasion Ebola or Marbug virus into Japan"



**WORLD TRADE
ORGANIZATION**

G/SPS/N/EEC/72
16 April 1999

(99-1523)

Committee on Sanitary and Phytosanitary Measures

Original: English

NOTIFICATION

1. Member to Agreement notifying: EUROPEAN COMMUNITIES
If applicable, name of local government involved:
2. Agency responsible: **European Commission – Directorate General for Agriculture and Rural Development**
3. Products covered (provide tariff item number(s) as specified in national schedules deposited with the WTO; ICS numbers may be provided in addition, where applicable).
Regions or countries likely to be affected, to the extent relevant or practicable:
 1. Live bovine (0102), ovine and caprine (0104) animals
 2. Bovine embryos and ova
 3. Ovine and caprine semen, embryos and ova
 4. Products of bovine, ovine and caprine origin
 5. Fishery products which are destined for human consumption and contain gelatine or rendered animal fat
 6. Egg products which are destined for human consumption and contain gelatine or rendered animal fat
 7. Snails or frogs' legs which are destined for human consumption and contain gelatine or rendered animal fat
 8. Pet food



**PROTECT HUMAN LIFE
FROM PLANT OR ANIMAL
CARRIED DISEASES**

- “Live bovine .., ovine and caprine animals....,
- “... rules for the prevention and control of certain transmissible spongiform encephalopathies (TSEs)”



Definition of an SPS measure (3:4)

to protect:

animal or plant
life

from:

pests, diseases, or disease-causing
organisms;



**WORLD TRADE
ORGANIZATION**

G/SPS/N/SGP/5
4 June 1999

(99-2257)

Committee on Sanitary and Phytosanitary Measures

Original: English

NOTIFICATION OF EMERGENCY MEASURES

- | | |
|----|---|
| 1. | Member to Agreement notifying: SINGAPORE
If applicable, name of local government involved: |
| 2. | Agency responsible: Primary Production Department, Ministry of National Development |
| 3. | Products covered (provide tariff item number(s) as specified in national schedules deposited with the WTO; ICS numbers may be provided in addition, where applicable). Regions or countries likely to be affected, to the extent relevant or practicable: Horses for racing, polo and equestrian |



**PROTECT
... ANIMAL HEALTH**

- "Horses for racing, polo and equestrian"
- "... each horse imported [has to have] a equine passport or equivalent, ... freedom from Hendra, Hendra-like (Nipah) virus infection, African Horse Sickness, and"



**WORLD TRADE
ORGANIZATION**

G/SPS/N/CHL/36
29 June 1999
(99-2693)

Committee on Sanitary and Phytosanitary Measures

NOTIFICATION

- | | |
|----|---|
| 1. | Member to Agreement notifying: CHILE
If applicable, name of local government involved: |
| 2. | Agency responsible: Agriculture and Livestock Service |
| 3. | Products covered (provide tariff item number(s) as specified in national schedules deposited with the WTO; ICS numbers may be provided in addition, where applicable). Regions or countries likely to be affected, to the extent relevant or practicable: Plants and cuttings of the species <i>Dracaena</i>, <i>Yucca</i> and <i>Strelitzia</i>. All countries which export these species to Chile. |



**PROTECT
... PLANT HEALTH**

- "Plant and cuttings of the species *Dracaena*, *Yucca* and *Strelitzia* ..."
- "*Oponogona sacchari* has been detected in imported goods and is a quarantine disease in Chile."



Definition of an SPS measure (4:4)

to protect:

from:

a country

damage caused by the entry,
establishment or spread of pests



to protect:

from:

human or animal
life

risks arising from additives,
contaminants, toxins or disease-
causing organisms in their food,
beverages, feedstuffs;

human life

plant- or animal-carried
diseases (zoonoses);

animal or plant life

pests, diseases, or disease-
causing organisms;

a country

damage caused by the entry,
establishment or spread of pests



quality / composition / nutrition

protection of the environment

animal welfare

labelling

GMO

