



WTO and Scientific Evidence and Risk-based Regulations

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**Location: Geneva,
Switzerland**

**Established:
1 January 1995**

**Membership:
153 countries
(July 2008)**

**Budget: 182m Swiss
francs, 2007**

Secretariat staff: ~650

**Head: Pascal Lamy
(director-general)**

What is the WTO?



- **Negotiate trade rules**
- **Implement trade agreements**
- **Resolve trade disputes**
- **Review national trade policies**



Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement)

The right to protect human, animal or plant life or health from risks from:

- contaminated foods or beverages
- diseases of animals or animal-carried diseases
- pests of plants
- damage to territory from pests

Agreement on Technical Barriers to Trade (TBT Agreement)

The right to impose mandatory technical regulations, voluntary standards and conformity assessment procedures in order to achieve legitimate objectives, including:

- preventing deceptive practices;
- protecting human health and safety;
- protecting the environment

while avoiding unnecessary barriers to trade

**Measures must be no more trade restrictive
than necessary to**

SPS Agreement

Protect health:

- based on scientific principles
- not maintained without sufficient scientific evidence
- based on Codex, IPPC or OIE standards
- based on appropriate risk assessment

TBT Agreement

Fulfil legitimate objective:

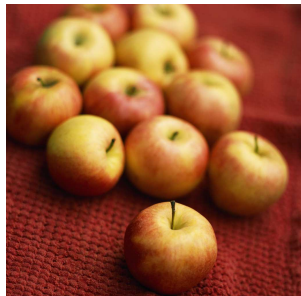
- based on risk of non-fulfilment
due to “for instance”
 - fundamental climatic or geographic factors
 - fundamental technological problems



SPS Agreement:

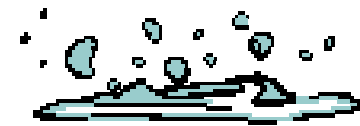
Members shall ensure that their SPS measures are based on an assessment, as appropriate, of the risks to human, animal or plant life or health

- evaluate potential for adverse effects on human or animal health arising from the presence of additives, contaminants, toxins or disease-causing organisms in food, beverages or feedstuffs
- evaluate the likelihood of entry, establishment or spread of pests or diseases within the territory of an importing Member according to the SPS measures which might be applied, and of the associated potential biological and economic consequences



SPS Agreement

In risk assessment, take into account:



- Scientific evidence
- Processes and production methods
- Inspection, sampling, and testing methods
- Pest or disease prevalence
- Ecological and environmental conditions
- Quarantine and other treatment

Economic factors to consider (pest or disease risk)

- Potential damage from entry, establishment or spread (loss of production or sales)
- Costs of control or eradication for importing Member
- Relative cost-effectiveness of alternative approaches to limiting risk

SPS Agreement - Interpretations

- non-use of international standard requires risk assessment
- risk assessment need not be quantitative
- risks must be ascertainable, not just theoretical
- rational relationship between measure and risk assessment
- risk assessment can consider divergent views

For risks to plant and animal health, assessment must:

- identify the diseases which a Member wants to stop from entering
- evaluate the probability of entry, establishment and dissemination in the case of diseases
- as a function of the risk mitigation measures which could be applied

Salmon – risk assessment

ADD RE STCs with “risk assessment” or “scientific evidence” or “scientific justification” keywords -- also for TBT??

