



SPS AND TBT PLUS : BUILDING UPON THE WTO IN DEPENDABLE WAYS

Writing the Rules for 21st Century Trade
May 23, 2013

SPS Challenges

- SPS regulations are routinely the greatest challenges for agricultural exporters. Why?
 - ▣ Can suddenly disrupt integrated supply chains
 - ▣ Can significantly increase costs for exporters, regulators and consumers
 - ▣ Can contribute to product loss and waste



SPS Plus Approach: WTO Rules

- WTO SPS Agreement a Good Basis for FTAs...
 - Science-based measures that are least-trade restrictive
 - Use of risk assessment
 - Harmonization / use of international standards
 - Non-discrimination
 - Basic transparency requirements



SPS Plus Approach: FTAs

- ...Current FTA Negotiations Provide an Opportunity to:
 - ▣ Amplify and enhance WTO rules (SPS Plus)
 - ▣ Make these SPS Plus rules enforceable



SPS Plus Approach: FTAs

- What Does “SPS Plus” Mean for FTAs?
 - Maintain core WTO SPS principles
 - Strengthen and elaborate requirements regarding risk assessment/management
 - Reinforce least-trade restrictive principle
 - Promote trade-facilitating measures (e.g., equivalence, mutual recognition)
 - Enhance transparency/notification requirements
 - Rapid Response Mechanism to facilitate trade
 - Fully enforceable under the agreement

SPS Plus Approach: FTAs

- What “SPS Plus” Does NOT Mean:
 - ▣ Forcing a country to accept infested or unsafe products
 - U.S. would retain right to reject a panel decision
 - ▣ Putting consumers and producers at risk
 - Commitments based on scientific, risk-based principles, just as U.S. Food Safety Modernization Act (FSMA) requires



Enforceability = Value

- Why Does Enforcement Matter?
 - In the end, there is no right without a remedy
 - Incentive for compliance has proven necessary
 - Tariff concessions and other benefits to agriculture can be eroded if SPS rules are not enforceable
 - Other sector commitments are binding, why give short-shrift to agricultural trade concerns?



SPS Plus: Building Upon WTO



We Look Forward to Finding New Solutions to
Longstanding Problems

Shawna Morris

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Writing the Rules for 21st Century Trade: New Solutions for Old
Problems in the Trans-Pacific and Trans-Atlantic Negotiations

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