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