SPS market access

Civil society meeting, 26 February 2018
SPS barriers - What is it about?
SPS barriers

- Apply to high-risk products i.e. animal products, plant products (including fruits and veg) and relate to trade conditions in relation to safety
- Trade policy must help ensure that traded food and feed is safe and meet the necessary sanitary and phytosanitary (SPS) measures.
- In recent years, the use of *SPS measures* as trade barriers has increased considerably. Tariffs further down – non-tariff barriers increase
- Barrier when SPS conditions go beyond WTO SPS Agreement
WTO SPS Agreement

- basic SPS trade principles Agri-food, e.g.:
  - SPS measures to be based on international standards (IS) in animal and plant health, food safety
  - When deviation from IS or when no IS exist – measure has to be based on risk analysis based on science = justification required
Nature of SPS barriers

- Technical
- Discussion on science
- Transparency is often lacking
- Difficult to lift/to prevent
- Impact economically important
- Once ban in place – often longstanding
- Limitation to market access or partial market access
- Often overly lengthy, burdensome application process required
Actions undertaken to solve SPS barriers

- Bilateral actions (different per trading partner) - technical/political
- Use leverage of trade agreement (e.g. FTA) – where existing
- Multilateral: WTO SPS Committee – raising specific trade concerns (STC) - Ultimately litigation process (DSP)
- High level political action
How can FTAs help resolve these barriers?

- Leverage during negotiations – example of Japan: two list of NTBs, including many SPS issues. Progress on many of these including:
  - Lifting the ban for beef for 9 MS;
  - authorising the gelatine of bovine origin and modifying the legislation for ovine specific risk material making it possible to apply for ovine meat exports;
  - modifying the standard for *Listeria monocytogenes*, which means better and more predictability for access to the market for cheese and meat products;

- During implementation – regular Committee meetings
Our strategy, actions, tools and achievements
EU priority countries - SPS

• Several trading partners listed as priority for EU (COM/EU MS/ EU Business) – 20 countries in total

• Review of priority list based on need

• Focus is on priority countries but COM continues to work also on other important trading partners

• Main SPS issues:
  - Animal health conditions: non-recognition of regionalisation (now most important: African Swine Fever, but also Avian influenza, classical swine fever, FMD, ...), BSE
  - Overly lengthy, burdensome and non-transparent import procedure
SPS priorities countries

- Argentina
- Australia
- Brazil
- Canada
- China
- India
- Indonesia
- Iran
- Japan
- South Korea
- Mexico
- Philippines
- Russia
- Saudi Arabia
- South Africa
- Taiwan
- Turkey
- Ukraine
- USA
- Vietnam
Examples of barriers resolved in 2017

- **Brazil** – listing of approx. 1000 new establishments in MS (without audits) to counterbalance limited capacity of the competent authority to perform audits to the EU and subsequent backlog of applications.
- **Mexico** - new market access for pork (BE, DE, FR, IT)
- **Japan** - Ban on import of beef due to BSE lifted for AT, IT most recently
- **Taiwan** – new market access for beef (Sw, NL) lifting BSE restrictions
- **Peru** - Market access for dairy products (new EU certificate without born and raised clause).
- **Saudi Arabia/Ukraine** - Temporary ban on imports of poultry and poultry products due to HPAI lifted for all concerned EU MS
Examples of barriers we still currently face

• South Korea import bans to EU beef products due to BSE.
• South Africa SPS country-bans following avian influenza outbreaks in the EU.
• USA import restrictions on apples and pears (and many other plant products).
• China's non recognition of EU regionalisation measures for both Avian Influenza and African Swine Fever.
Example: Regionalisation

• Today some third countries recognise our EU regionalisation principles but not enough (especially big trading partners such as China and other Asian countries)

• Recent **WTO dispute settlement** rulings underlined the obligation of WTO members to apply regionalisation

• **3 main concrete issues with third countries:**
  
  1. country-wide bans applied if disease affected
  2. no automatic reopening and delays after a country is free from the disease. Lifting of country-wide restrictions takes between three months and two years...
  3. evaluation of regionalisation applications may take longer than regaining OIE country freedom status
How do third countries recognise EU regionalisation? Example: HPAI in the EU 2016/17

- About 20 WTO Members applied regionalisation towards EU exports: Albania, Bosnia, Canada, Chile, Cuba, FYROM, Hong Kong, Macedonia, Mexico, Montenegro, New Zealand, Peru, Philippines, Saudi Arabia, Serbia, Singapore, Tunisia, Turkey, United Arab Emirates, USA

- Around 30 countries imposed country-wide bans: Including China, India, Japan, Korea, South Africa, Taiwan

- Some countries continued to import breeding stock: Brazil, Guinea, Israel, Russia

- Regionalisation was under consideration in some cases but no quick decisions were made

- Many countries are slow in reopening trade when a MS has obtained disease freedom status (e.g. Taiwan, Japan, South Africa, China)
The MADB

- **Market Access Database (MADB)** - tool inside DG Trade's website that gives information to companies exporting from the EU about import conditions in third country markets.

- It includes information on food safety, animal health and plant health measures.

- MADB has content available to the general public and restricted content available only to the Commission, Member States and EU Delegations.

- Structured feedback from Member States and businesses is vital.
Exporting from the EU - what you need to know

The Market Access Database (MADB) gives information to companies exporting from the EU about import conditions in third country markets:

**Tariffs**
Duties & taxes on imports of products into specific countries

**Procedures and Formalities**
Procedures & documents required for customs clearance in the partner country

**Statistics**
Trade flows in goods between EU and non-EU countries

**Trade barriers**
Main barriers affecting your exports

**SPS: Sanitary and Phytosanitary Issues**
Food safety/animal health/plant health measures

**Rules of Origin**
Preferential agreements & rules of origin

**Services for SME**
Services for SME

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**Help us counter trade barriers ▼**

**Country trade information**
Trade picture of non-EU countries, trade relations with the EU, statistics.

**Importing into the EU?**
EU Tariffs
EU import tariffs

**Export Helpdesk**
Special conditions for developing countries

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**Latest updates**

07-Feb-2017 Myanmar
Focus: nomenclature changes, foodstuffs, phyto-sanitary certification, plant varieties and...

07-Feb-2017 Kazakhstan
Amendments as regards the activity licensing, ozone-depleting substances (ODS), national...

07-Feb-2017 Togo
Amendments to the internal taxation

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**News**

NAVIGATING NON-TARIFF MEASURES 📊
INSIGHTS FROM A BUSINESS SURVEY IN THE EUROPEAN UNION
20 Dec 2016

EU obtains removal of import restrictions for spirits in Taiwan 🇹🇼
As of 1st May 2016, Taiwan lifted measures restricting imports of European spirits that...
24 May 2016

Japan lifts ban on imports of Italian beef 🇮🇹
After 15 years, Japan lifted an embargo on Italian beef, following an earlier opening of...
24 May 2016
The SPS section of the MADB

http://madb.europa.eu/madb/sps_crossTables.htm?isSps=true
Example: Australia - BSE

**SPS: Sanitary and Phytosanitary Issues**

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<th>Title</th>
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**Description of the measure**

Australia enforces unjustified restrictions and a cumbersome approval process on imports of bovines and their products relating to Bovine Spongiform Encephalopathy (BSE).

The Department of Agriculture and Water Resources of Australia (DAWR) follows a cumbersome approval process to allow imports from countries that have reported an indigenous case of BSE. Under Australia’s requirements (since 2010), Food Standards Australia New Zealand (FSANZ) conducts an individual country risk assessment. In addition to this review, the DA conducts a separate import risk assessment for each exporting country to address animal quarantine issues.

The DA reiterates (including at the WTO SPS Committee) that the commencement of any biosecurity risk analysis is subject to competing priorities and the availability of resources, including staff with relevant expertise. The risk assessment procedures significantly delay imports of bovine products and are not fully aligned with the BSE requirements of the OIE or the OIE’s official status, namely for safe commodities, e.g. deboned meat. Market prospects for fresh/frozen, deboned meat might be interesting. However, import into Australia is not yet possible.


**HS codes**

0201 - Meat of bovine animals, fresh or chilled
Feedback between the Commission, Member States and Industry

- Member States Council working groups
  - Roosendaal
  - Potsdam

- Member States and Industry Associations
  - SPS Market Access Working Group
Muito obrigado