



Trade Negotiations between the European Union and the Philippines

EU Proposal on Sanitary and Phytosanitary (SPS) Measures

Explanatory note - February 2017

This factsheet gives a general overview of the European Union's (EU) proposal for a chapter on Sanitary and Phytosanitary Measures in the Free Trade Agreement (FTA) envisaged between the EU and The Philippines. The text of the EU proposal was presented to the Philippine Government experts shortly in advance of the negotiating round and is now available on the [website](#) of the European Commission.

Why do we negotiate rules on SPS measures?

Agriculture, food and feed production are sectors of significant importance for both partners.

Sanitary and phytosanitary (SPS) measures ensure the safety of production and trade in agri-food products that is of critical importance for the EU. It includes all relevant legislative and regulatory acts, requirements and procedures.

However, due to such rules it may take years for an exporter to get access to another market. The exporting country needs first to show evidence that their products are safe. Through closer cooperation these processes can be made much faster without the fear of increased risk of spread of animal or plant diseases.

The experience gained during the last years clearly indicates that SPS measures are often misused by the EU's trade partners and convert into trade barriers. This trend leads to serious obstacles for EU exporters.

The FTA will help to make sure this does not happen in relations with the Philippines.

The EU proposal wants to ensure commitment of both parties to boost opportunities for trade in animals and animal products, plant and plant products and other food products. At the same time, it maintains and promotes high levels of human, animal and plant health safety without redefining the sanitary standards.

The proposal takes as the basis the respect of the World Trade Organization (WTO) SPS Agreement and other international standards developed by international standard-setting bodies, such as:

- Codex Alimentarius (Codex), in food safety,
- World Organisation for Animal Health (OIE), in animal health,
- Plant Protection Convention (IPPC), in plant health.

Main objectives

The same export conditions for all EU Member States

The FTA should ensure that the same import requirements are applied to products coming from all EU Member States. This should be achieved through establishment of a single, predictable and transparent procedure for the approval of all EU agri-food exports. This would be an important step forward towards speeding up the approval of EU export applications and avoiding discriminatory treatment.

International standards, regionalisation

Both the EU and the Philippines would recognise official health status as determined by OIE for certain diseases. This will help to tackle barriers related to BSE (bovine spongiform encephalopathy) and other diseases.

Possible restrictions should also be limited to products coming from the area, region or zone affected by a disease, according to a 'regionalisation' policy. Import restrictions should not be kept for longer than necessary and justified – in line with the rules of the WTO SPS Agreement and the Terrestrial Animal Health Code of the OIE.

Both parties would also recognise the concept of free-pest areas, areas of low pest prevalence, protected zones, and pest-free production in accordance with SPS agreement and IPPC standards, guidelines and recommendations.

Less hurdles for exports of fruits and vegetables

To tackle specific market access barriers and delays faced by EU exports of fruit and vegetables, the EU proposed:

- The pest risk assessment to be carried out immediately, when needed,
- Recognition of the concept of pest free areas, areas of low pest prevalence, protected zones and pest free production sites,

- the plant health status to be based on the information given by the exporting party. This will lead to increased trust and over time open the door to recognition of the plant health status of areas in the EU.

Equivalence

The EU proposal includes provisions on equivalence. Equivalence means that the Philippines shall accept the EU SPS measures and vice versa as equivalent if both sides can objectively demonstrate that they achieve the same level of protection.

Transparency

The proposal aims for an increased transparency between the EU and the Philippines authorities, with strict deadlines for communicating information related to SPS measures.

Pre-listing

Once the Philippines has approved a certain category of food products from the EU and is confident that the competent authorities in EU Member States have the capacity to check and monitor compliance of the EU food safety requirements, it shall automatically allow imports from all of the establishments submitted by that country

without prior inspection. This is what is known as 'prelisting' and applied by the EU to our trading partners

Verifications and costs

The two parties have the right to carry out verification/audits in accordance with international standards. The results of such verifications should be shared according to precise deadlines. The relevant expenses shall be paid by the party carrying out the verification.

Cooperation and collaboration

The EU wants to make sure that both parties commit to better cooperation on animal welfare and anti-microbial resistance.

SPS experts from both sides should meet regularly in the framework of the implementation bodies of the FTA to ensure a dialogue as regards the effective application of rules formulated in the agreement, as well as any delays or barriers encountered by European or Philippine operators.

This will provide a suitable forum for discussing problems and ways forward. This intensified dialogue should lead to an increased trust between the two partners.