



FAO/WHO CODEX TRAINING PACKAGE

SECTION TWO – UNDERSTANDING THE ORGANIZATION OF CODEX

2.10 What is the relationship
between Codex standards and
WTO?



Relationship between Codex standards and WTO

- Overview of the WTO Agreements governing international food trade
- Member country obligations
- Implications for the Codex Alimentarius Commission



WTO Agreements of most significance to Codex

- The Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement)
- The Agreement on Technical Barriers to Trade (TBT Agreement)



Scope of the Agreements

- SPS Agreement is concerned with measures to protect human, animal and plant health
- TBT Agreement refers to technical regulations and conformity assessment procedures for all commodities, not just food



Rights of Members under the SPS Agreement

“Members shall ensure that any sanitary or phytosanitary measure is applied only to the extent necessary to protect human, animal or plant life or health.

Members shall ensure that their sanitary and phytosanitary measures do not arbitrarily or unjustifiably discriminate between Members where identical or similar conditions prevail... Sanitary and phytosanitary measures shall not be applied in a manner which would constitute a disguised restriction on international trade.”

(Article 2, SPS Agreement 1995)



Obligations of Members under the SPS Agreement

Members are required to:

- base their measures on international standards
- base their measures on an assessment of risk
- ensure the measures are necessary to protect health
- ensure there is no unjustifiable discrimination against foreign sources of supply
- promote the review and development of international standards



Obligations of Members under the SPS Agreement (contd.)

- Accept SPS measures of other Members as equivalent even if such measures differ from their own provided they achieve the same appropriate level of protection
- Participate in the relevant international standards organizations



Examples of SPS measures

- Inspection of products for microbiological contaminants
- Fumigation treatments for products
- Maximum residue limits for pesticide residues in foods



Linkages between Codex and the SPS Agreement

The SPS Agreement states:

- food safety measures necessary to protect public health should conform to Codex standards
- national regulations consistent with Codex standards are presumed to meet the requirements of the SPS Agreement
- member countries should base their food safety standards on the standards of the Codex Alimentarius Commission.



Linkages between Codex and the SPS Agreement (contd.)

- Codex is the reference point for standards pertaining to food safety
- Codex is the reference point for harmonizing national food safety standards



SPS Agreement recognizes.....

the Codex standards, guidelines and recommendations relating to:

- food additives
- veterinary drug and pesticide residues
- contaminants
- methods of analysis and sampling
- codes and guidelines of hygienic practice



Rights and obligations under the TBT Agreement

These are similar to their rights and obligations of Members under the SPS Agreement. Some of these common elements include:

- the right to establish their own appropriate level of protection
- basic obligations for non-discrimination
- national treatment
- use of international standards
- notification of proposed measures and the creation of “enquiry points”



Differences between the SPS and TBT Agreements

- Under the SPS Agreement, the only justification for not using Codex food safety standards is scientific argument.
- Under the TBT Agreement, governments may decide that international standards are not appropriate for other reasons, including fundamental technological problems or geographical factors.
- SPS measures are only imposed to the extent necessary to protect human, animal or plant health, on the basis of scientific information.
- TBT regulations may be introduced when necessary to meet a number of objectives, such as national security or the prevention of deceptive practices.



Linkage between Codex and the TBT Agreement

- Unlike the SPS Agreement, Codex is not specifically referenced in the TBT Agreement.
- However, it does reference, more broadly, “standards developed by appropriate international bodies”.
- For food, this would be standards developed by the Codex Alimentarius Commission.
- A critical non-SPS area relates to prevention of “deceptive practices”, which gives particular prominence to labelling and non-health-related quality standards developed by Codex.



Why does WTO refer to Codex standards as benchmarks for food safety?

- The requirement in the SPS Agreement for measures to be science-based.
- Codex has adopted a statement of principle concerning the role of science in the Codex decision-making process:
“The food standards, guidelines and other recommendations of Codex Alimentarius shall be based on the principle of sound scientific analysis and evidence, involving a thorough review of all relevant information, in order that the standards assure the quality and safety of the food supply.”



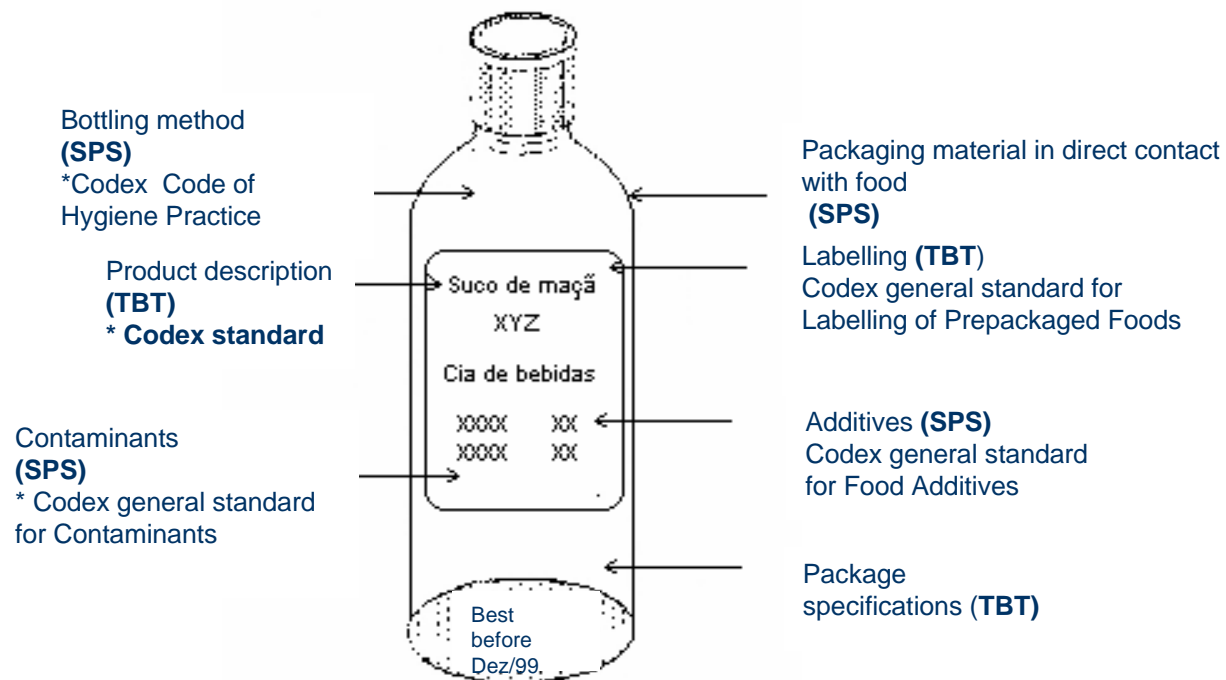
Why does WTO refer to Codex standards as benchmarks for food safety? (contd.)

Codex has also adopted statements of principle regarding the role of food safety risk assessment in Codex standard setting:

- Health and safety aspects of Codex decisions and recommendations should be based on a risk assessment, as appropriate to the circumstances
- Food safety risk assessment should incorporate the four steps of the risk assessment process, and should be documented in a transparent manner



Relationship between a Codex standard and the SPS/TBT Agreements





Further information on the WTO SPS/TBT Agreements is available from:

FAO and WHO

WTO Web site (Seminars and tools)

http://www.wto.org/english/thewto_e/thewto_e.htm