

- must explicitly encompass a broad range of requirements, procedures and end-product criteria, including processes and production methods.

B. POTENTIAL ENVIRONMENTAL IMPLICATIONS

Some Canadians have expressed a concern that the Agreement on SPS could affect the ability of Canada to choose and to achieve its desired levels of sanitary and phytosanitary protection. The following paragraphs review the SPS provisions from this perspective.

i) Levels of Protection

Selection of the desired levels of sanitary and phytosanitary protection is the starting point for SPS rule-making. Consistent with the belief that the level of protection should reflect local values and judgements, Annex A of the Agreement on SPS explicitly allows each country to determine the levels of sanitary and phytosanitary protection that best reflect its own needs and circumstances. Concomitant with this right is an obligation (paragraph 20) that the levels of protection not be used to arbitrarily or unjustifiably discriminate against other countries.

These provisions ensure that Canada may continue to choose its appropriate levels of sanitary and phytosanitary protection while limiting the ability of other countries to impose unjustifiable sanitary and phytosanitary restrictions on Canadian agricultural, fish and forest product exports.

ii) Scientific Principles

A primary obligation of the Agreement on SPS is that sanitary and phytosanitary measures be based on scientific principles (paragraph 6). Should the available scientific evidence be insufficient to make a final decision, paragraph 22 of the Agreement on SPS anticipates the use of the precautionary principle by providing for the application of stringent interim measures pending the development of definitive data.

Canadians have long relied on scientific considerations when developing sanitary and phytosanitary regulations. Therefore, the obligation to base SPS measures on scientific principles will not affect Canada's ability to achieve its desired levels of sanitary and phytosanitary protection.

iii) International Guidelines

Paragraph 9 of the Agreement on SPS requires that, to the extent possible, national SPS measures reflect international guidelines. The harmonization of