

## **VII. APPLICATION OF SANITARY AND PHYTOSANITARY MEASURES**

### **A. OVERVIEW OF THE AGREEMENT**

Since 1980, sanitary and phytosanitary measures have been subject to the rights and obligations of the Tokyo Round Agreement on Technical Barriers to Trade (TBT). The Agreement on the Application of Sanitary and Phytosanitary Measures (SPS) was negotiated for the first time during the Uruguay Round.

The Agreement on SPS defines the international rights and obligations of member countries with respect to the development or application of sanitary and phytosanitary measures. Sanitary and phytosanitary measures encompass two primary objectives. The first is to control the spread or importation of plant- or animal-borne pests or diseases. The second is to control the presence of additives, contaminants, toxins or disease-causing organisms in foods, beverages or feedstuffs.

Unlike standards-related measures under the Agreement on TBT, sanitary and phytosanitary measures have a comparatively narrow scope and do not generally have a direct effect on the natural environment. The primary importance of the Agreement on SPS, from an environmental perspective, is its effect on sanitary and phytosanitary measures intended to control the importation or spread of pests or diseases that could threaten fauna and flora in Canada. SPS measures that pertain to additives (e.g. food colourings) or contaminants (e.g. pesticide residues) in foods or beverages are concerned with maintaining food safety. They do not have a direct effect on the environments of importing countries.

The Agreement on SPS contains many provisions that are similar to the Agreement on TBT from which it originated. These include the right of each country to determine its appropriate levels of sanitary and phytosanitary protection, as well as obligations to maximize the use of international guidelines, to recognize equivalent foreign measures, and to ensure that measures are not more trade-restrictive than required to achieve their objectives.

Also included in the Agreement on SPS are a number of provisions that differ from those of the Agreement on TBT. For example, a country must not discriminate against other countries by maintaining unjustifiable distinctions in its selected levels of sanitary and phytosanitary protection. In addition, SPS measures:

- must be based on scientific principles;
- must be based on an assessment of risk, as appropriate to the circumstances, to human, animal or plant life or health; and