Standards and safety: Objectives

• Article XX of the General Agreement on Tariffs and Trade (GATT) allows governments to act on trade in order to protect human, animal or plant life or health, provided they do not discriminate or use this as disguised protectionism.

• In addition, there are two specific WTO agreements dealing with food safety and animal and plant health and safety, and with product standards in general. Both try to identify how to meet the need to apply standards and at the same time avoid protectionism in disguise:
  – Agreement on Technical Barriers to Trade (TBT Agreement.)
Countries require certain standards for protection of the health and safety of their people.

Two types of Standards:

- Mandatory Standards
- Voluntary Standards
Technical Barriers to Trade
TBT Agreement: the coverage

“All products, including industrial and agricultural products, shall be subject to the provisions of this Agreement.”
The TBT Agreement

It applies to all

- technical regulations (mandatory)
- standards (voluntary)
- conformity assessment procedures

But: its provisions do **not** apply to SPS measures
The TBT Agreement does not cover

- Sanitary and Phytosanitary measures
- Purchasing specifications prepared by governmental bodies for production or consumption requirements of governmental bodies
- Services
Standards

- International standards
- If standards are not based on international standards: notify to WTO members seeking their comments on draft regulation.

- Conformity assessment procedures
- For voluntary standards Code of good practices applies
Sanitary and Phytosanitary Measures (SPS)
What is the purpose of the SPS Agreement?

The right to protect human, animal or plant life or health

Avoiding unnecessary barriers to trade
“Members have the right to take sanitary and phytosanitary measures necessary for the protection of human, animal or plant life or health, provided that such measures are not inconsistent with the provisions of this Agreement”
### SPS Measures

**A measure taken to protect:**

<table>
<thead>
<tr>
<th>Source</th>
<th>Protection Against</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Human or animal health</td>
<td>from</td>
<td>risks arising from additives, contaminants, toxins or disease organisms in food, drink, feedstuff</td>
</tr>
<tr>
<td>Human life</td>
<td>from</td>
<td>plant- or animal-carried diseases</td>
</tr>
<tr>
<td>Animal or plant life</td>
<td>from</td>
<td>pests, diseases, disease-causing organisms</td>
</tr>
<tr>
<td>A country</td>
<td>from</td>
<td>other damage caused by entry, establishment or spread of pests</td>
</tr>
</tbody>
</table>
TBT measures typically deal with

- Labeling of food, drink and drugs
- Quality requirements for fresh food
- Packaging requirements for fresh food
- Packaging and labeling for dangerous chemicals and toxic substances
- Regulations for electrical appliances
- Regulations for cordless phones, radio equipment etc.
- Textiles and garments labeling
- Testing vehicles and accessories
- Regulations for ships and ship equipment
- Safety regulations for toys
- Etc.....
SPS measures typically deal with

- Additives in food or drink
- Contaminants in food or drink
- Poisonous substances in food or drink
- Residues of veterinary drugs or pesticides in food or drink
- Certification: food safety, animal or plant health
- Processing methods with implications for food safety
- Labeling requirements directly related to food safety
- Plant / animal quarantine
- Declaring areas free from pests or disease
- Preventing disease or pests spreading to a country
- Etc…….
# NATIONAL ENQUIRY POINT

<table>
<thead>
<tr>
<th>TBT</th>
<th>SPS</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Director General Myanmar Scientific and Technological Research Department, Ministry of Science and Technology, Yangon, Myanmar</td>
<td></td>
</tr>
<tr>
<td>• Directorate of Investment and Company Administration (DICA), Ministry of National Planning and Economic Development, Merchant Street, Yangon, Myanmar</td>
<td></td>
</tr>
</tbody>
</table>
Are Non-Tariff Barriers important?
Overall, import weighted tariff on industrial products

\[ \approx 40\% \]

Source: WTO
Source: WTO
Non-tariff Measures

- Trade-related Intellectual Property rights
- Technical Barriers to Trade
- Subsidies
- Quantitative Restrictions
- Government Purchase
- Trade in Services
- Sanitary and Phytosanitary Measures
TBT notifications to WTO (1995 – 2010)

Source: World Trade Report 2012
SPS notifications to WTO (1995 – 2010)

Source: World Trade Report 2012
EXERCISE
Exercise: case of bottled water
MEASURE - I

Materials that can be used because safe for human health
MEASURE - II

Requirement: no residues of disinfectant, so water not contaminated
Permitted size of bottle to ensure standard
Permitted shape to allow stacking and displaying

TBT
Government health warning:
“SMOKING IS INJURIOUS TO HEALTH”

Warning:
Objective — Human Health

Label appearance:
Typography, colour, size, position etc.

TBT

(Though the objective is health, its not for food)
Thank You