

TRANS-PACIFIC PARTNERSHIP NEGOTIATIONS
DALLAS ROUND
Negotiations Regarding Disciplines on Sanitary and Phytosanitary (SPS) Measures

The undersigned organizations strongly support the objectives of the Trans-Pacific Partnership (TPP) negotiations. We believe that an ambitious, high-standard agreement can benefit agricultural producers and processors, as well as consumers, in all TPP partner countries. However, in order for a TPP agreement to be commercially meaningful it must include effective disciplines on the application of SPS measures that underscore the importance of science-based regulation.

Recommendations

In order to improve disciplines on SPS measures, the TPP agreement should include provisions that do the following:

- strengthen and elaborate requirements regarding risk assessment and risk management;
- reinforce the WTO rule that requires regulators to select the least-trade-restrictive of available risk management options;
- promote trade-facilitating measures such as equivalence, recognition of inspection systems and harmonization of export certificates;
- require parties to provide an adequate grace period before implementing new, non-emergency measures;
- enhance transparency by
 - requiring notification of all new measures, not just those that deviate from international standards;
 - requiring the sharing of more background data regarding new measures;
 - requiring parties to allow adequate time for comments on draft measures, to subsequently respond to comments and to publish a summary of comments received; and
 - requiring greater use of the internet and electronic documents;
- strengthen the role of science-based international standards and promote the harmonization of standards;
- grant importers the automatic right, in the case of an adverse test result, to a confirmatory test in a competent laboratory that uses validated testing methods; and
- establish a pro-active committee agenda that encourages partners to collaborate on specific issues in order to facilitate trade.

Most importantly, these WTO-plus provisions must be fully enforceable under the agreement. Rules that are not subject to effective dispute settlement procedures will have little beneficial effect.

Background

One of our principal goals for the TPP negotiations is a “WTO-Plus” SPS chapter – that is, an agreement that strengthens and reinforces the rules and disciplines of the World Trade Organization’s *Agreement on the Application of Sanitary and Phytosanitary Measures* (SPS Agreement) and underscores the importance of science-based regulation. In pursuing this goal we are responding to common complaints of producers, processors and exporters regarding SPS measures. They are encountering:

- unnecessarily trade-restrictive measures that are not science-based;
- new measures that are developed without opportunities for interested parties to comment;
- new measures that are implemented without adequate time for compliance;
- measures that do not conform to science-based international standards;
- a reluctance to implement trade-facilitating policies such as harmonized certificates and the recognition of systems-based production methods; and
- the use of questionable testing methods to enforce standards.

The WTO SPS Agreement provides valuable protection to agricultural exporters. But after more than 15 years, we are increasingly aware of provisions that need strengthening. The TPP is an excellent forum for negotiating such stronger disciplines. A TPP SPS text that reinforces and strengthens WTO obligations would be counted as an important “win” for TPP participants.

Signed:

American Farm Bureau Federation
American Meat Institute
American Potato Trade Alliance
American Soybean Association
Corn Refiners Association
Grocery Manufacturers Association
National Chicken Council
National Corn Growers Association
National Milk Producers Federation
National Oilseed Processors Association

National Pork Producers Council
National Potato Council
Pet Food Institute
USA Poultry and Egg Export Council
USA Rice Federation
US-ASEAN Business Council
U.S. Dairy Export Council
U.S. Grains Council
U.S. Wheat Associates