

Sanitary and Phytosanitary (SPS) Measures- **Some reflections on Ethiopian salutations**

Opportunities in the Value Chain Workshop

25 Oct 2007, Addis Ababa, Ethiopia
Hilton Hotel

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Background: Agreement on SPS Measures (WTO)

- GATT founding year 1947
- WTO –established at Uruguay Round in 1995
- Trade Barriers –Tariff and Non-tariff
 - Tariff -reduce lower Tariff
 - non-tariff
- non-tariff barriers
 - i. Technical Barriers to Trade (TBT)–based on standards for quality specification
 - ii. Sanitary and Phytosanitary (SPS) Measures –health and safety justifiable on scientific grounds
- WTO members agreed on i and ii not to use them for protection
 - i. TBT agreement- standards for quality specification
 - ii. Agreement SPS Measures

Sanitary and phytosanitary measures: Definition

SPS measures are to protect animal or plant life or health within the territory of the Member from risks arising

- (a) from the entry, establishment or spread of pests, diseases, disease-carrying organisms or disease-causing organisms;
- (b) from additives, contaminants, toxins or disease-causing organisms in foods, beverages or feedstuffs;

Sanitary and phytosanitary measures

Contd.

- (c) from diseases carried by animals, plants or products thereof, or from the entry, establishment or spread of pests; or
- (d) to prevent /limit other damage within the territory of the Member from the entry, establishment or spread of pests.

Article 2 of the Agreement: paragraph 1

“Members have the right to take sanitary and phytosanitary measures necessary for the protection of human, animal or plant life or health...”

As exporters, this agreement applies to:

- WTO members (e.g. USA, Uganda) and
- Non-members (e.g. Ethiopia)
- Questions :Can Least Developing Countries, LDCS, achieve these easily?
 - Ethiopia applied for accession to the WTO in January 2003
 - How did some LDCs like Uganda became WTO members since the formation of the WTO in 1995?

Article 2 of the SPS Agreement: paragraph 2 and 3

- Any SPS measures to the extent necessary ...not maintained without sufficient scientific evidence (except as provided for in paragraph 7 of Article 5 –i.e. In cases where relevant scientific evidence is insufficient, ...provisionally adopt sanitary or phytosanitary measures on the basis of available pertinent information, including that from the relevant international organizations as well as from sanitary or phytosanitary measures applied by other Members).
- Members shall ensure that their SPS measures do not arbitrarily or unjustifiably discriminate between Members where identical or similar conditions prevail

SPS Measures requires International standards, guidelines and recommendations

(a) Codex Alimentarius Commission

– for food safety, standards/guidelines/recommendations wrt

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

(b) International Office of Epizootics

- for animal health and zoonoses

(c) International Plant Protection Convention

- for plant health Protection Convention

(d) ISO and other International management standards

- ISO 22000, ISO 14001, HACCP (in some countries mandatory) GLP

Achievements aims of conducting SPS Measures

- **Harmonization** — The establishment, recognition and application of common SPS measures by different Members
- **Equivalence** is the capability of different inspection and certification systems to meet the same objectives (Codex)
 - *SPS Context: to lead to mutual recognition of the equivalence of specified SPS measures*
- **Traceability** is the ability to trace and follow a food, feed, food-producing animal or ingredients, through all stages of production and distribution” (EU regulation 178/2002)

What are the SPS measures?

Measures include all relevant

- Laws –e.g. National food Law
- Decrees & Regulations
- requirements & procedures including, *inter alia*,
 - end product criteria;
 - processes and production methods;
 - testing and inspection
 - certification and approval procedures;
 - quarantine treatments including the transport of animals or plants,
or
 - provisions on relevant statistical methods
 - sampling procedures and methods of risk assessment
 - packaging and labelling requirements directly related to food safety.

Towards Management of SPS Measures with ref to Ethiopia

Yellow = applied (need review/maintenance)

Orange = not practiced

1. Develop appropriate legislation and regulatory standards (Drafts or finalized)
2. Register/control (MOARD) feed, pesticides, veterinary drugs (DACA).
3. Develop/apply quarantine procedures, including for emergency situations
4. Establish product traceability (legal provision and designated competent authorities exist)
5. License/ inspect regulated food establishments (scattered)
7. Participate in international standard-setting processes (QSAE with ISO, IEC)
8. Establish/reinforce institutions that manage/implement SPS measures (need to be reviewed and strengthened)

Towards Management of SPS Measures ... contd.

7. Apply GAP, GMP, HACCP/ISO 22000, and ISO 9000, ISO14001 at farm/process enterprises (<15)
8. Accredited testing, veterinary laboratories (ISO/IEC 17025) –only QSAE Microbiology Lab –only 2 weeks ago)
9. Verify/certify biological materials (seeds; semen) (research centers)
10. Accredited Tests for products for residues, contaminants and microbiological content (so far Abroad)
11. Carry out epidemiological surveillance and information management
12. Develop/maintain pest or disease-free areas
13. Verify/certify imported/exported products related to established risks
14. Report possible hazards to treaty/trading partners

Vivid SPS measures and Economic bans

Recent International Examples confirmed by testing

1. **Mad Cow Disease -Microbial Detection**
 - The UK lost Billions of Pounds because of SPS measures
 - Consumers protected until ban was lifted
 - Ban in force until trading partners verified (e.g. USA, EU)
2. **Foot and mouth disease -Agent detection**
 - Exposed in the UK
3. **Confirmation of Birds' Flue (Viral)**
 - Millions of chicken killed
 - Imports from affected countries banned
4. **Nile Perch export from Lake Victoria:**
 - **Loss >USD300/year Tanzania/Uganda/Kenya**
 - EU import ban due high level pesticide-1999
 - Ban lifted 1 year later after conformance (incl. TESTING)

Results relating to effective SPS measures

- **Harmonization** — The establishment, recognition and application of common sanitary and phytosanitary measures by different Members (Agreement on SPS measures)
- **Equivalence** is the capability of different inspection and certification systems to meet the same objectives (Codex)
 - *This is to lead to mutual recognition of the equivalence of specified sanitary or phytosanitary measures*
- **Traceability** is the ability to trace and follow a food, feed, food-producing animal or ingredients, through all stages of production and distribution” (EU regulation 178/2002)
- Questions : -Can Least Developing Countries, LDCs, achieve these easily?
 - How did some LDCs like Uganda became WTO members since the formation of the WTO in 1995?

Ethiopian Competent Authorities-Legislation for SPS Regulations

Example: Applicable to EU Directive 96/23/EC (Article 7.1)

MOH

1. Public Health Proclamation NO 2000/20000
2. **Drug Administration and Control Proclamation No. 176/1999**
3. **(MOH) Draft Food Safety Regulation**

MoARD

1. Quarantine regulation No 4/1992
2. **Prevention and Control of Animal Diseases Proclamation No. 267/2002**
3. **Registration and control of pesticides -Special Decree No. 20/1990 –**
– currently under amendment
4. **Draft Decree on Quality Control of Honey & Beeswax 2006**

MOTI

1. **Quality and Standard Authority , Proclamation __ 2004**
2. **WTO Affairs Department (Check legal basis)**

Convention Competent Authorities (EPA, MOARD, MOH)

1. **Stockholm Convention**
2. **Vienna Convention**
3. **Rotterdam Convention and Montreal Protocol**
4. **Basel Convention**

Ethiopian Competent Authorities/Support Organizations for SPS Regulations e.g. Applicable to EU Directive 96/23/EC (Article 7.1)

1. **Ministry of Agriculture and Rural Development, MoARD.**
 - To verify products are safe for consumption
2. **Ministry of Health –for Veterinary drugs**
 - Drug Administration and Control Authority
3. **Quality and Standards Authority of Ethiopia (QSAE)**
 - Publishes Mandatory and Voluntary Standards
4. **The WTO Affairs Department (Ministry of Trade and Industry MoTI)**
 - Office established in preparation for Ethiopia's accession to the WTO
5. **Accredited Laboratories (ISO/IEC 17025)**
 - Residue and Contaminant, Natural Toxins Control NONE
 - Microbiology –just accredited (QSAE testing laboratory)
6. **Development Organisations –e.g. Programms under USDA, GTZ, SNV-Et, SOS Sahel**
7. **SPS and TBT, Laboratory Testing Consultants**

e.g. Prevention and Control of Animal Diseases, Proclamation No. 267/2002

Regulates

- animal health
- application of veterinary drugs and vaccines
- export and import of live animals and animal products
- establish the traceability of residues in animals and animal products

It additionally establishes

- Quarantine; Inspection, conditions of quarantine stations to control animals and animal products (Article 10)
- Entrance and exit posts (Article 11)
- Export of animals, animal products and byproducts (Article 12)
- International animal health and sanitary certificates (Article 14 (1))
- Animals Movement permit (Article 15)
- Powers of Animal Health Officer covers inspection of animals and animal products (Article 8, Parag. 1-9)
- Empowers removal of the license and confiscate facility property Article 12

Case: Ethiopian Residue Control Plan for Honey (Animal Product) for EU Market Access

- Council Directive 96/23/EC
 - “on measures to monitor certain substances and residues thereof in live animals and animal products
 - One of EU SPS Measures for **Animals and animal products**
- **An Annual Procedure (Plan) submitted by**
 - “**Third Countries**” (exporters) to the EU to be registered in EU’s importers list

• ”

EU Policy for importation of animal and Animal Products e.g. one SPS Measures on Honey (animal product)

- **Third Country Listing results in**
 - EU License for import into the EU market from a non-EU country
- **Listing approved if**
 - If compliant with EU Directive with 96/23/EC
 - Residue Control Plan, is approved
 - Plan resubmitted annually
 - Listing Revised annually
- **Countries may be deleted or re-listed**
 - Removal from listing -EU Bans:
 - 1st time Ethiopia is to be listed for honey 2007 -300 ton/year US
Uganda was 1st EU listed for in April 2005 -50 tons/year
 - China –**Honey** 2004-2006
 - **USA -Honey** import to EU was banned in 2003 for 1 year
 - Unrecognized procedures in the RMP
 - Brazil in 2006 for some animal products

Case: Ethiopian Residue Control

Chemical Groups in EU Directive 96/23/EC

69 chemicals to be tested in Honey –trace, ultra-trace levels

Substance categories		Bovine Porcine Ovine Caprine Equine	Poultry	Fish	Milk	Eggs	Rabbit	Honey
A	1	X	X	X			X	
	2	X	X				X	
	3	X	X	X			X	
	4	X	X				X	
	5	X	X				X	
	6	X	X	X	X	X	X	X
B	1	X	X	X	X	X	X	X
	2 a	X	X	X	X		X	
	2 b	X	X			X	X	
	2 c	X	X				X	X
	2 d	X						
	2 e	X	X		X		X	
	2 f							
	3 a	X	X	X	X	X	X	X
	3 b	X			X			X
	3 c	X	X	X	X		X	X
	3 d	X	X	X	X			
	3 e			X				

Chemical to be tested in Honey by EU Council Directive 96/23/EC?

- **Annex of Directive 96/23/EC**

Chemical Groups for HONEY

- | | | |
|----|---|----------------------|
| 1. | A6 –Antibacterials | 6 compounds |
| 2. | 3B1 VETERINARY DRUGS | 15 Compounds |
| 3. | B2c Carbamates and pyrethroids | 6 compounds |
| 4. | B3a -Organochlorine compounds/PCBs | 15 compounds |
| 5. | B3b -Organophosphorus compounds | 22 compounds |
| 6. | B3c -Chemical elements | 5 heavy metals |
| – | TOTAL Chemicals to be tested in HONEY | 69 per sample |
| – | Expensive tests – AAS, GC-MS, LC-MS Honey Samples of these companies -collected and sent abroad for residue analysis by an accredited Laboratory | |

Ethiopia's Residue Control Plan -2007

- test results appended to Residue Control Plan sent to the EU Food/Veterinary Office 31 March 2007
- Evaluation Received/reply to comments July - Aug 2007
- Residue Plan Accepted Sep 2007 be listed on “Amending Decision 2004/432/EC on the approval of residue monitoring plans submitted by third countries in accordance with Council Directive 96/23/EC”

Case: Ethiopian Residue Control

Beneficiaries: Ethiopian Honey Processing Companies to Export Honey to the EU Market

1. APINEC Apiculture Development and Trading PLC (Apinec), Bonga, Kaffa
 2. Beza Mar Agro Industry PLC, Addis Ababa
 3. Tutu and Family Commercial PLC
 4. Alem (Kombolcha, Wollo Zone)
 5. Century
 6. Harmony
- Honey planned to be exported
 - Current plan 300 tons
 - Still only about 1% of the current national average for honey
 - National Production -about 30,000 tons/year
 - To rise to ,000 - 4,000 tons within 4 years

Critical Issues and Challenges for Ethiopian Honey

- i. **High local prices of honey and beeswax**
 - Efficient production needed
 - Processors may need to have their own APIARIES (bee farms)
- ii. **Ethiopian Accredited Testing Laboratory**
 - None for residues
 - Need for all strategic agro-products, water and foods for import and export
- iii. **Adulteration of Honey's Unlikely**
 - organised marketplace (cooperatives)/traceable
 - Unlike Beeswax -huge problem adulteration
- iv. **Many draft regulations should be in finished forms soon**
- v. **Non-tariff barriers** –both TBT and SPS are the most stringent very often unachievable for Least developing countries –despite for e.g. EU's “Everything but Arms” or the US AGOA policies

Thank you indeed!