



Canadian Food
Inspection Agency

Agence canadienne
d'inspection des aliments

Canada's experiences with regulations containing elements under both the WTO SPS and TBT Agreements

Emma Pagotto,
Canadian Food Inspection Agency



Canada

Purpose

- Share Canada's experiences with notifying regulations containing elements under both the WTO SPS and TBT Agreements
- Highlight Canada's experience handling other Member's notifications of regulations containing elements under both the WTO SPS and TBT Agreements

Canada's Notification Authority and Enquiry Point

- Provides a single window for the delivery of Canadian transparency requirements under:
 - *WTO Agreement on the Application of Sanitary and Phytosanitary Measures* and the
 - *WTO Agreement on Technical Barriers to Trade*
 - Canada's preferential free trade agreements
- Works together with Canadian regulators to identify issues that require notification and develop WTO notifications

The Canadian Food Inspection Agency (CFIA)

The CFIA develops regulations and delivers inspection and other services to:



**prevent and
manage food
safety risks**



**protect plant
resources from
pests, diseases
and invasive
species**



**prevent and
manage animal
diseases, and
protect animal
health and welfare**



**contribute to
consumer
protection**



**facilitate market
access for
Canada's food,
animals and
plants**

Considerations when Notifying Regulations

- Canada's regulations are comprehensive in nature
- The CFIA's regulations fall into three categories:
 - **Food**: food safety and consumer protection
 - **Plant**: plant health, protection, and technical requirements
 - **Animal**: animal health, protection and technical requirements
- When determining to notify a proposed regulation, the CFIA assesses whether elements in the regulation falls under the SPS Agreement or the TBT Agreement.

Figure 3: TBT or SPS?

Which agreement does a measure come under?

Is the measure applied to protect:

- human or animal life from risks arising from additives, contaminants, toxins or disease-causing organisms in their food, beverages, feedstuffs?
- human life from plant- or animal-carried diseases (zoonoses)?
- animal or plant life from pests, diseases, or disease-causing organisms?
- a country from damage caused by the entry, establishment or spread of pests?

YES

SPS

NO

Is the measure...

...a document that lays down product characteristics or their related processes and production methods, including the applicable administrative provisions, with which compliance is mandatory?

YES

TBT (Technical regulation)

...a document approved by a recognized body, that provides, for common and repeated use, rules, guidelines or characteristics for products or related processes and production methods, with which compliance is not mandatory?

YES

TBT (Standard)

...any procedure used, directly or indirectly, to determine that relevant requirements in technical regulations or standards are fulfilled?

YES

TBT (Conformity assessment procedures)

NO

OTHER

WTO (2014). *WTO Agreement Series. Technical Barriers to Trade*. World Trade Organization, Geneva.

Figure 2: SPS or TBT?

Which agreement does a measure come under?

Is it food, drink or feed, and is its objective to protect one of those from these risks?

human life

- additives, contaminants, toxins or disease-causing organisms in food or drink
- plant- or animal-carried disease

animal life

- additives, contaminants, toxins or disease-causing organisms in feed or drink
- diseases
- disease-causing or disease-carrying organisms

plant life

- pests
- diseases
- disease-causing or disease-carrying organisms

a country

- pests entering, establishing or spreading

YES

NO

Is it a technical regulation, standard or procedure for assessing whether a product conforms with a standard?

NO

OTHER

YES

SPS

TBT

WTO (2010). *WTO Agreement Series. Sanitary and Phytosanitary Measures*. World Trade Organization, Geneva.

Example: Notification of the *Safe Food for Canadians Regulations*

- The *Safe Food for Canadians Regulations* (SFCR) replaced 14 sets of regulations to modernize Canada's food safety system by focusing on prevention through more rigorous risk management and increasing the focus on traceability.
- The SFCR applies to:
 - imported, exported, or inter-provincially traded food for human consumption; and
 - food animals from which meat products to be imported, exported or inter-provincially traded may be derived.

Example: Notification of the *Safe Food for Canadians Regulations*

- Illustrative summary list of elements within the SFCR:
 - Preventive controls
 - Traceability
 - Recognition of Foreign Systems
 - Packaging
 - Labelling
 - Grades and Grade names
 - Organic products
- For more information on SFCR please visit:
inspection.gc.ca/safefood

Example: Notification of the *Safe Food for Canadians Regulations*

SPS Committee	TBT Committee	Comment
G/SPS/N/CAN/700 (8 July 2013)	G/TBT/N/CAN/394 (19 July 2013)	Discussion paper
G/SPS/N/CAN/700/Rev.1 (5 June 2014)	G/TBT/N/CAN/394/Rev.1 (6 June 2014)	Proposed regulations
G/SPS/N/CAN/700/Rev.1/Add.1 (15 July 2014)	G/TBT/N/CAN/394/Rev.1/Add.1 (15 July 2014)	Extension of comment period
G/SPS/N/CAN/938 (2 June 2015)	G/TBT/N/CAN/448 (2 June 2015)	Discussion paper
G/SPS/N/CAN/938/Add.1 (9 July 2015)	G/TBT/N/CAN/448/Add.1 (9 July 2015)	Extension of comment period
G/SPS/N/CAN/700/Rev.2 (24 January 2017)	G/TBT/N/CAN/394/Rev.2 (25 January 2017)	Revised proposed regulations
G/SPS/N/CAN/700/Rev.2/Add.1 (14 June 2018)	G/TBT/N/CAN/394/Rev.2/Add.1 (15 June 2018)	Final publication

Handling of other Member Notifications

- Canada regularly monitors the SPS and TBT notifications of Members to review proposed regulatory changes.
- Many Members have regulations specific to food, plants, and animal commodities that contain elements under both the SPS and TBT Agreements.

Best Practice

- Indicate in the notification if the regulation has been notified to another Committee.
- For example in the Description of Content Section: “This regulation has been notified under the TBT Agreement (G/TBT/N/) and SPS Agreement (G/SPS/N/).”.

Conclusion

- Regulations can include both food safety and plant and animal life and health requirements and technical requirements.
- Regulation are assessed as to whether elements falls under the WTO SPS Agreement or the TBT Agreement, and notified accordingly.
- A practice for Members to consider is to indicate in the notification if the regulation has been notified to another Committee.

Questions?

<https://www.international.gc.ca/trade-agreements-accords-commerciaux/wto-omc/enquiry.aspx?lang=eng>

enquirypoint@international.gc.ca

www.inspection.gc.ca

cfia.wto-omc.acia@canada.ca