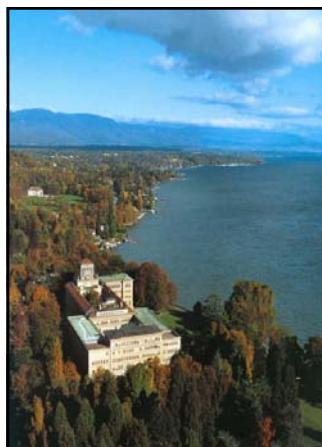


Animal Welfare and the WTO Agreements

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Location: Geneva, Switzerland

Established: 1 January 1995

Membership: 153 countries (July 2009)

Budget: US \$172m, 2008

Secretariat staff: ~650

Head: Pascal Lamy (director-general)

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What is the WTO?



- Negotiate trade rules
- Implement trade agreements
- Resolve trade disputes
- Review national trade policies

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Possible relevant WTO agreements

- Agreement on the Application of Sanitary and Phytosanitary Measures (**SPS Agreement**)
- Agreement on Technical Barriers to Trade (**TBT Agreement**)
- General Agreement on Tariffs and Trade 1994 (**GATT 1994**)



SPS Agreement - Basic Right

Article 2.1



“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 Agreement - Scope

Definition - Annex A

A measure taken to protect:

Human or animal health	from	risks arising from additives, contaminants, toxins or disease organisms in food, drink, feedstuffs
Human life	from	plant- or animal-carried diseases
Plant or animal life	from	pests, diseases, disease-causing organisms
A country	from	other damage caused by entry, establishment or spread of pests



TBT Agreement



Recognizing that no country should be prevented from taking **measures necessary** to ensure the quality of its exports, or for the protection of human, animal or plant life or health, of the environment, or for the prevention of deceptive practices, **at the levels it considers appropriate**, subject to the requirement that they are not applied in a manner which would constitute a means of **arbitrary or unjustifiable discrimination** between countries where the same conditions prevail or a **disguised restriction** on international trade

TBT Agreement - scope

- Technical regulations (mandatory)
- Standards (voluntary)
- Conformity assessment procedures

product characteristics “**or their related processes and production methods**”
(PPMs)



TBT Agreement




Art. 2.1: No less favourable on imported products than products of national origin or than on products originating in any other country

Art. 2.2: No more trade restrictive than necessary to fulfil legitimate objective

Art 2.8: specify technical regulations in terms of **performance** rather than design or descriptive characteristic

What is a “like product”?

Likeness is determined on a case-by-case basis




EC - Asbestos

4 criteria

- Physical characteristics
- Tariff Classification
- Consumers' tastes and habits
- Product end uses

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GATT 1994



Article I.1: most-favoured nation treatment on “like products” (customs duties, rules, formalities)

Article III.4: national treatment for “like products” (laws, regulations and requirements....”)

Article V: freedom of transit .. Not subject to any unnecessary restrictions

Art. XI.1: no prohibitions or restrictions other than duties, taxes or charges

Article XX: general exceptions, including for measures necessary to protect animal life or health

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WTO disputes



Certain Measures Prohibiting the Importation And Marketing Of Seal Products

- Complainant: **Canada**
- Respondent: **European Communities (Belgium and Netherlands)**
- Request for Consultations by Canada
 - 25 September 2007 (WT/DS/369/1)

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EC – Seal Products Measures complained of by Canada

Measures by Belgium

- The Belgian trade ban prohibits the preparation for sale or delivery to consumers, transport for sale or delivery, possession for the purpose of sale, importation, distribution and transfer of seal products

Measures by Netherlands

- The Dutch trade ban prohibits the importation of and trade in all harp seal and hooded seal products regardless of the animal's age



EC – Seal Products Claims by Canada

- The measures are inconsistent with the European Communities' obligations under GATT 1994 and the TBT Agreement. In particular :

(i) Articles 2.1 and 2.2 of the TBT Agreement

(ii) Articles I:1, III:4, V:2, V:3, V:4 and XI:1 of GATT 1994



