

November 2001



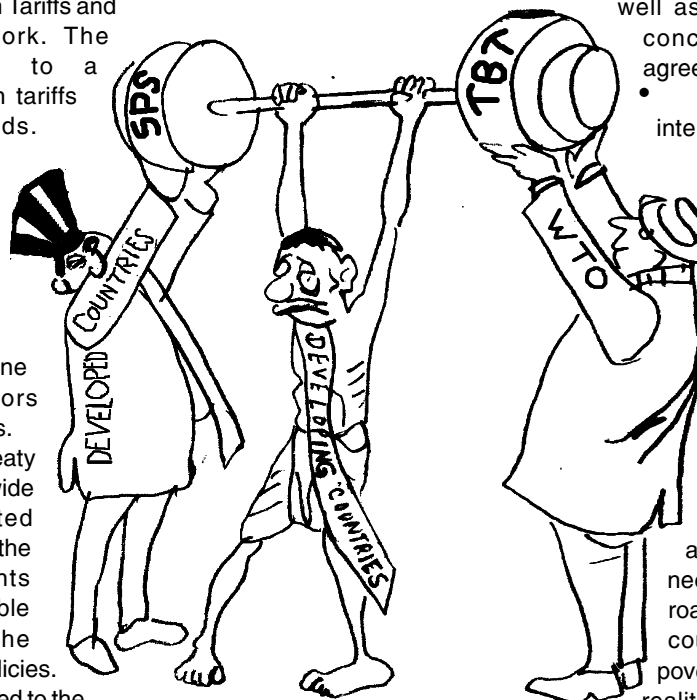
## Standards and Market Access: What, Why and How?

Let's begin with the hypothesis: are standards resulting in barriers to market access? The World Trade Organisation (WTO) came into existence in 1995 after the culmination of the Uruguay Round of multilateral trade negotiations under the General Agreement on Tariffs and Trade (GATT) framework. The Uruguay Round led to a considerable reduction in tariffs applied on goods. Theoretically tariff reductions are expected to affect the export potential of a country in a positive manner, i.e. through increased market access. However, border tariff is one among many factors influencing market access.

The original GATT treaty (GATT 1947) covered a wide range of trade-related domestic policies. But, at the same time, governments were left with considerable discretion in the administration of such policies. Such discretionary power led to the adoption of biased trade measures on the part of governments. This resulted in contraction of market access opportunities.

In order to avoid inappropriate application of such policies GATT 1994 found it necessary to clarify that governments while administering their domestic measures (applicable

to imports) extend these rules to trade measures not originally (or inadequately) covered by GATT 1947. Thus, the Uruguay Round of multilateral trade negotiations reached various agreements concerning rules



governing world trade. Two of them are concerning standards: sanitary and phyto-sanitary measures (SPS), and technical barriers to trade (TBT).

However, in the initial years of functioning of the world trading system under the auspices of the WTO it has been observed that many countries are

trying to set standards which may act as non-tariff barriers, especially to exports originating from developing and least developed countries. Moreover, these barriers are taking new forms, thus making developing and least developed countries more exposed to volatility with respect to sustainable market access in industrialised countries. A number (as well as nature) of trade disputes concerning SPS and TBT agreements highlights that:

- the WTO members are interested to use these rules to reduce market access opportunities of their trading partners; and
- in order to do so they are trying to develop jurisprudence through on a variety of legal cases.

The question is whether standards are used for legitimate concerns or for erecting trade barriers or not. There may not be 'an' answer and a set of issues needs to be considered to find a roadmap. Otherwise, roadblocks could lead to accentuation of poverty as revealed by the ground realities in developing and least developed countries.

For example, Tanzania is well endowed with water resources, the fishing sector is contributing three percent to its gross domestic product, and the sector has a lot of social significance as well: one of the main sources of employment. During the past three years, the country has witnessed two bans of its fish from Lake Victoria into the EU (European Union) market. The effect of the last ban was a daily loss of export revenue of Tshs 80mn and about 4,000 people (apart from small-scale fishermen who could not find a market for their catch) were suspended from work. Tanzania lacks behind in complying with the SPS

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**PANEL DISCUSSION**

**Standards and Market Access: The Road Ahead**

Doha, Qatar, November 11, 2001

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Agreement because of insufficient technical know-how, competent human resources, and financial resources and facilities.

Not only there is lack of understanding on the part of various stakeholders, concerted efforts are not being made to engage in discussions. What is required is dialogue to address the issues in an unbiased manner and try to find solutions for sustainable market access by evolving a roadmap through consensus rather than creating roadblocks.

#### What

- Create and build sustainable capacity of stakeholders, i.e. policy makers, trade diplomats, representatives of business, farmers organisations, non-governmental organisations, university/college teachers, research institutes, and media to address issues of and complex linkages between standards and market access, and their implications for poverty eradication.
- Analysing policies and practices of governments and regional bodies on standards so as to enhance their responsiveness

and accountability to the people while adopting measures for ensuring better quality products in the market as well as facilitation of trade and commerce.

- Providing upward and downward linkages with the grassroots to convey their views and concerns to policy makers, trade diplomats etc, and vice versa.

#### Why

- To impart analysing skills on standards, their impact on market access and implications for poverty reduction to stakeholders, which are unfolding and evolving.
- To create an informed society through exchange of information and knowledge thus enhancing transparency and accountability through effective participation of developing countries in the standard setting process by international standard setting organisations.
- To promote cooperation between and among standard setting entities and countries for ensuring appropriate transfer of technology and other resources from industrialised countries to upgrade facilities in developing and least developed countries.

#### How

- By generating case studies on how standards are affecting market access and their implications on poverty in developing and least developed countries and turning them into reader-friendly materials.
- By analysing trade disputes vis-à-vis SPS and TBT agreements and the implications of jurisprudence on market access opportunities of developing and least developed countries.
- By facilitating sharing of experiences and learnings between stakeholders through organising dialogues (for sensitising policy makers, trade diplomats, media etc) and workshops (for generating analytical skills) in different places.
- By finding way forward for developing and least developed countries to cope with the standards, which would include:
  - ♦ Identification of bottlenecks,
  - ♦ How to comply with them, i.e. capacity building,
  - ♦ How to get the best and appropriate technology, including testing protocols/equipment, and
  - ♦ How to negotiate best price for such goods.

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## Negotiations

### *Controversial Paper on Food Safety*

The European Commission (EC) submitted a controversial paper on food safety in the informal discussions at the Committee on Agriculture. In the document, the EC proposed criteria for the application of precaution under the WTO Agreement on Sanitary and Phytosanitary Measures (SPS) that would serve as guidelines for panelists in related future disputes.

The EC believes this issue needs to be addressed in order to avoid criticisms against the WTO that accuse the organisation of requiring Members to force consumers to accept unsafe food. Japan's stated reasons relate to consumer concerns over the expanded use of genetically modified organisms (GMOs), Europe's experiences with mad cow disease, and fears over food contamination.

The substance of the Committee discussions around food safety in the Agriculture Committee revolved around the need for consumer protection on one hand and the need to avoid disguised protectionism on the other. The issue of whether Article 5.7 of the Agreement on Sanitary and Phytosanitary measures was clear enough to maintain the balance between these concerns was raised. Article 5.7 of the SPS agreement allows for the use of provisional health measures in the event relevant scientific evidence is insufficient. The EC, Japan, other European countries and Korea agreed that clarification of this article should

be through an Understanding that would also send the right signals to consumers.

To create predictability for Members and to prevent Article 5.7 from being abused for protectionist purposes, the EC concluded that potential problems in this area could be resolved best if the following five criteria for the application of precaution under Article 5.7 are met:

- the measures should be discriminatory;
- the measures should be aimed at achieving consistency in the level of protection the respective member has chosen;
- the adopted measure should pre-suppose an examination of the benefits and costs of action and lack of action;
- the measure has to – even if only provisional – be reviewed in the case that new scientific information is obtained; and
- the measure must be based on scientific evidence provided by qualified and respective sources, but not necessarily by the majority of the scientific community.

Efforts by the EC to bring food safety onto the agriculture negotiating agenda, however, were strongly opposed by the US and many developing countries, who argued that the EC's version of the precautionary principle was based on political rather than scientific considerations.

# *WTO Agreements on SPS and TBT: The COMESA Viewpoint*



## **ABOUT COMESA**

*The Common Market for Eastern and Southern Africa (COMESA) was established in 1994 to replace the Preferential Trade Area for Eastern and Southern Africa, which had been in existence since 1981. It is a regional integration grouping of 20 African States (Angola, Burundi, Comoros, Democratic Republic of Congo, Djibouti, Egypt, Eritrea, Ethiopia, Kenya, Madagascar, Malawi, Mauritius, Namibia, Rwanda, Seychelles, Sudan, Swaziland, Uganda, Zambia and Zimbabwe) which have agreed to promote regional integration through trade development and to develop their natural and human resources for the mutual benefit of all the people.*

### **Introduction**

Perhaps one of the greatest threat for COMESA (Common Market for Eastern South Africa) countries exports are barriers to trade in the form of sanitary and phytosanitary (SPS) measures and technical barriers to trade (TBT). Sanitary and Phytosanitary measures are regulations and standards applied to both imported and domestic goods that aim to protect human or animal life or health from food - borne risks, humans from animal and plant carried diseases, plants and pests from pests or diseases.

The TBT agreements sets a regulatory framework for regulations, standards, testing and certification procedures as well as measures to protect human health or safety, animal or plant health. While SPS and TBT regulations and standards aim to satisfy the above genuine objective they may however in wrong hands also be powerful tools to impede international trade and protect domestic producers through unjustified different requirements in different markets, unnecessary costly and time consuming testing and duplicative conformity. This is particularly possible given the reduction in other forms of protection.

### **Main Elements of the SPS and TBT agreements**

The major goal of the SPS is to prevent SPS measures impeding international trade unnecessarily while recognising the legitimate interest of countries setting up rules to protect food safety, animal and plant health. SPS measures take the form of inspection of products, permission to use certain additives, determination of maximum level of pesticides, designation of disease free areas, quarantine requirements etc.

It provides guidelines for members to develop own national standards based on international recommendations and promotes harmonisation of SPS regulations in order to achieve mutual recognition of standards. The agreement while recognising different climatic and geographic conditions of its members encourages its members to adopt SPS measures that are less trade restrictive, technically defensible and economically feasible.

If there is scientific justification based on assessment of risk to human life, SPS agreements allows members to introduce SPS measures that result in higher levels of protection than the current international standards. Countries through their SPS office "entry point" are required to notify WTO secretariat on SPS on any new SPS measures or modifications in advance before they are implemented.

Finally, the SPS agreement provides S&D treatment in favour of developing countries and LDCs in terms of longer time frames for compliance, grace periods (2 years for developing countries and 7 years for LDCs from 1 January 1995), as well as facilitating developing countries participation in standards setting international organisations.

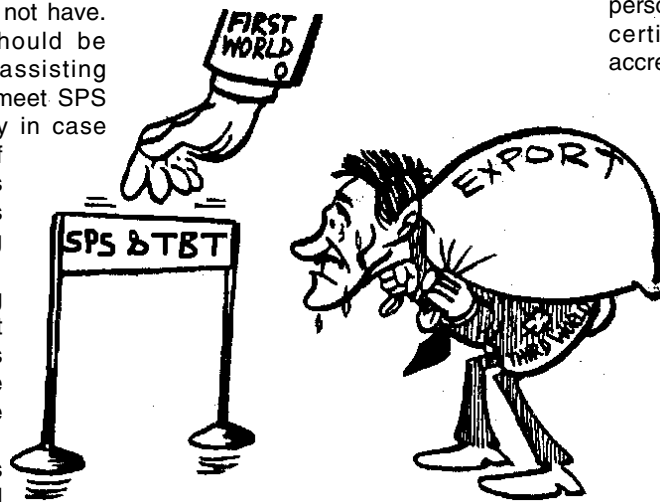
The TBT agreement sets out a code of good practices for the preparation, adoption and application of standards by central and local government bodies as well as non-governmental organisation. It stipulates that procedures used to decide whether a product conforms to national standards have to be fair and equitable and discourages methods that protect domestic producers unjustly. It encourages mutual recognition of each other's testing procedures.

## Proposals on SPS

1. Procedures to prove that some areas are pest and disease free or low risk (in the case of foot and mouth disease in some areas in COMESA countries) are usually long and burdensome and often include the need to provide complex scientific evidence which is problematic for COMESA countries. Adaptation and reinforcement of regional conditions in the SPS needs to be reviewed.
2. Eradication of specific disease from an area may require substantial investment that COMESA countries and other developing country do not have. Financial support should be provided readily to assisting developing countries meet SPS standards particularly in case where application of SPS measures is affecting major exports of the developing country.
3. All major importing countries must recognise areas designated as disease free, which is not the case quite often.
4. Developing countries should fight for special support (S&D) from their trading partners in relation to agricultural products of particular export interest to ensure that SPS measures do not impede their exports.
5. Participation of COMESA countries and other developing countries in international standard setting process is weak. As a consequence of their passive role, standards have been set by developed countries with some of these standards being inappropriate and inconsiderate of the situations in developing countries making them difficult to implement. COMESA countries need therefore to explore ways of actively participating in international organisations that set standards and regulations.
6. The simple majority rule used in taking decisions in some of the standard setting organisations such as Codex Alimentarius Commission and the Office of International des Epizooties needs to be reviewed because some decisions get imposed on

a large number of countries that may have opposed them. Getting a consensus would be a good alternative.

7. There is need for COMESA countries to strengthen scientific capacity for two major reasons. First, for challenging the risk assessment by industrialised countries introducing SPS measures (e.g. diarrhea in Kenyan fish exports and the case of growth hormone case between the EU and the US) affecting developing country exports. Second, to demonstrate the scientific soundness of any new SPS measures COMESA



countries may introduce.

8. Issues of transparency of procedures and notification of SPS to ensure that there is no impediment to trade need to be addressed by developing countries. Reasonable time should be given between notification and implementation of an SPS measure. COMESA countries and other developing countries need assistance to help prepare notification of their own SPS and TBT measures.
9. Notifications are often 1-2 pages and difficult to understand. The full regulations are often in foreign languages and complicated to understand. Translation must be made available for developing countries.
10. There is need for consultations between developed countries and within COMESA countries regarding SPS measures being set by developed countries and affecting different sections in developing countries and COMESA countries.

11. 'Equivalency' of SPS measures is being interpreted as 'sameness' by developed countries. Thus, while SPS agreement encourages countries to give positive consideration to accepting equivalent SPS measures, developed countries often look for 'sameness' instead of 'equivalence' of SPS measures and thus disadvantaging imports from developing countries.

12. COMESA countries should call for firm commitment from developed countries to provide technical assistance (capacity building of officials in charge of 'entry points', upgrade technical skills of personal working in laboratories, certification bodies, and accreditation institutions) to help us meet SPS requirements.

13. Technical co-operation should be broad based and include financial support. The TBT and SPS agreements should include strong language and put a clear obligations on developed country members to provide technical and financial support to developing country members in the field of technical regulations, standards and SPS measures.

14. The importing country should provide financial compensation when exports from developing countries are disrupted and serious financial losses occur. As an alternative, a global fund should be established for this purpose.

15. If the standards a country applies in relation to a specific product are higher than those included in the relevant international standards, products origination from developing countries should not be requested to meet these higher standards.

16. When an African country brings a case to the Dispute Settlement Body, other African countries should join and make a stronger case.

17. An increase in market access alone would only improve COMESA countries trading opportunities. Efforts should be made to ensure more effective and equitable use of the SPS provisions.



*L to R: Doaa Abdel Motaal, Mohan Kumar, Otto Genee, Thomas Cottier, Rene Vossenaar*

International Workshop  
**Negotiating Agenda for Market Access:  
Cases of SPS and TBT**

Geneva, 24-25 April 2001

*We need to go beyond 'technical assistance' if developing and least developed countries are to benefit from the multilateral trading system - John Cuddy, UNCTAD*

"We need to go beyond 'technical assistance' if developing and least developed countries are to benefit from the multilateral trading system," said John Cuddy, Director, Division on International Trade in Goods and Services and Commodities of the United Nations Conference on Trade and Development (UNCTAD).

Cuddy was speaking at the closing session of an international workshop on "Negotiating Agenda for Market Access: Cases of Sanitary and Phyto-sanitary Measures and Technical Barriers to Trade". The event was organised by the Jaipur, India-based CUTS Centre for International Trade, Economics & Environment, with the cooperation of UNCTAD and the International Centre for Trade and Sustainable Development, Geneva.

The event was organised in Geneva on 24-25 April 2001. More than 70 participants from civil society organisations, government officials, academics and representatives of trade missions in Geneva participated in the meeting. Officials from the WTO (World Trade Organisation) and the UNCTAD secretariat also participated and spoke on the occasion.

Most importantly, case studies were presented by experts from the developing world, such as Kenya, Nepal, Uganda, Mozambique, Chile, Zambia, Tanzania, Sri Lanka, Bangladesh and India.

*Case studies were presented by experts from the developing world such as Kenya, Tanzania, Bangladesh*

"This is the first time I have been hearing ground realities. In the meetings of the WTO Committee on SPS we hardly discuss such cases as we do not have access to ground realities," said Erik Wijkstrom, Economic Affairs Officer of Agriculture and Commodities Division of the WTO.

Wijkstrom was referring to various presentations of case studies on the difficulties of getting market access in industrialised countries due to increasing use of SPS and TBT measures. The event provided a fertile platform for the experts to present ground realities in implementing the provisions of WTO agreements on SPS and TBT.

*This is the first time I have been hearing ground realities. In the meetings of the WTO Committee on SPS we hardly discuss such cases as we do not have access to ground realities - Erik Wijkstrom, WTO*

"The main criticisms against the global standard setting process were lack of transparency and participation of consumer organisations," expressed Allan Asher, Global Campaigns Director of Consumers International, London, UK.

Hector Torres of the Argentinean trade mission at Geneva drew attention to the fact that developing countries have comparative advantage in agricultural exports but they cannot utilise this advantage under the present system.

"The opportunities offered by the WTO Agreement on Agriculture were not being realised properly because of market access barriers that these countries are facing due to improper use of standards" said Torres.

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While presenting a study on the European Union ban on exports of shrimp products from Bangladesh on health grounds, Mustafizur Rahman of the Centre for Policy Dialogue, Dhaka, Bangladesh highlighted the adverse effects of the ban on the country's economy, its foreign exchange earnings, the employment of small fishermen etc.

"The cost of compliance with EU's standards was too high. If a product is perfect for domestic consumption why can it not be considered for consumption abroad", asserted Rahman.

In 1997, the ban was imposed on the ground that exports of this commodity did not meet the stringent provisions of the European Community's HACCP (Hazard Analysis Critical Control Point) regulations. It put the country's shrimp export industry under severe strain and led to serious market disruptions from which the country is still trying to recover. The cost was equivalent to US\$ 65.1 mn.

"During the last three years, the country has witnessed two bans of its fish from the Lake Victoria into the EU market. They had adverse impact on the fish industry, in terms of foreign exchange earnings, income and employment generation. Following the ban, about 4,000 people (let alone small fishermen who could not find a market for their catch) were suspended from work," said Flora Musonda of the Economic and Social Research Foundation, Dar Es Salaam. She presented a case study on the impact of implementing the SPS Agreement on fish exports from Tanzania.

Tanzania lags behind in complying with the provisions of the SPS Agreement because of insufficient technical know-how and human and financial resources and facilities. She called for institutional strengthening of the Fisheries Department through training of fish quality assurance and control staff, provision of communication and transport facilities to enhance logistical capacity etc.

Thomas Cottier of the Institute of European and International Economic Law, University of Berne, Switzerland spoke about the concerns of developing countries while implementing the provisions of the TBT Agreement. He pointed out that there was not only lack of analytical capacity of the national focal points but also little coordination between various stakeholders.

Elisabeth Tuerk of the Centre for International Environmental Law, Geneva, Switzerland presented a study on the dispute of asbestos exports from Canada to the European Union. She explained the implications of the dispute for the developing countries and what lessons could be learned.

Speaking at the inaugural, Carlos Fortin, Deputy Secretary General of UNCTAD applauded the initiative that CUTS has taken in bringing forth the views of developing and least developed countries on WTO rules.

Fortin urged CUTS to prepare a proactive and positive agenda on the issues and organise similar events in Geneva in future. "This is an education for us and required for the benefit of the multilateral trading system as a whole."

"CUTS should organise similar events in Geneva on issues of rules of origin, anti-dumping etc and implement a programme on WTO rules and market access in developing and least developed countries by forming a network of civil society organisations, academics, research institutes, representatives of inter-governmental organisations etc", said Mina Mashayekhi, Legal Officer of the International Trade Division of UNCTAD.

"The initiative is not only the need of the hour but with specific case studies the exercise will feed into the process of setting the agenda for the Doha Ministerial Conference of the WTO," said a trade diplomat from a large developing country. The Ministerial Conference will be held at Doha, Qatar in November 2001 and developing countries are coming up with a set of proactive agenda.

*The opportunities offered by the WTO Agreement on Agriculture were not being realised properly because of market access barriers that these countries are facing due to improper use of standards - Hector Torres of the Argentinean trade mission at Geneva*

*The cost of compliance in Bangladesh with EU's standards was too high and equivalent to US\$65.1 mn. If a product is perfect for domestic consumption why can it not be considered for consumption abroad - Mustafizur Rahman*

*During the last three years, Tanzania has witnessed two bans of its fish from the Lake Victoria into the EU market. They had adverse impact on the fish industry, in terms of foreign exchange earnings, income and employment generation - Flora Musonda*

*This is an education for us and required for the benefit of the multilateral trading system as a whole - Carlos Fortin, UNCTAD*

*The initiative is not only the need of the hour but with specific case studies the exercise will feed into the process of setting the agenda for the Doha Ministerial Conference of the WTO - a trade diplomat from a large developing country*

## Food Safety and Health: 'Equivalence' Decision Okayed

WTO members have settled one "implementation" issue by approving a decision on recognising the equivalence of different food safety and animal and plant health measures.

The decision was approved by the WTO's Committee on Sanitary and Phytosanitary Measures (SPS) on 24 October.

It outlines steps designed to make it easier for all WTO members to make use of the "equivalence" provisions of the SPS Agreement, i.e. Article 4. This involves governments accepting different measures which provide the same level of health protection for food, animals and plants.

One objective is to help developing countries that use less sophisticated health and safety technologies than those required by importing countries to prove that their products are equally safe.

The issue has been raised by developing countries as a problem they face in implementing the current WTO agreements. It has been discussed in the WTO General Council in its preparations for the Doha Ministerial Conference.

Information that members have supplied on their experience with equivalence makes it clear that formal equivalence agreements covering countries' entire health and safety systems are rare even between developed countries. This is because the formal agreements are very complicated technically, time-consuming to negotiate, and

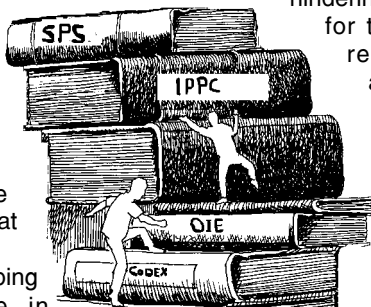
the improved market access that results is too modest to make the effort worthwhile.

On the other hand, it is more common for governments to recognise each other's measures as applied to specific products. This can benefit trade.

This decision identifies the kind of information that importing and exporting countries should provide and some factors that importing countries should take into account – e.g. historical trade and the need to avoid hindering existing trade. It also addresses needs for technical assistance, encourages the relevant standard-setting bodies to accelerate their related work, and reinforces procedures to make measures transparent.

A number of developing countries submitted comments on an earlier draft. They include India, Jamaica, Trinidad and Tobago, Botswana, Oman, South Africa, Thailand, Chile and Argentina. The SPS Committee discussed equivalence under an instruction from the WTO General Council in October 2000.

The WTO's SPS Committee deals with food safety and animal and plant health, but does not set international standards. These are handled by other organisations, in particular the "three sisters" (Codex Alimentarius, Office International des Epizooties or World Organisation for Animal Health, and the International Plant Protection Convention).



### No to Mandatory Labelling

Rejecting an EU-backed proposal that all Genetically Modified (GM) foods should be labelled as such, delegates agreed to mandatory labelling only in cases where specific GM foods and inputs are scientifically proven allergens. Labels could state either that the food in question is a 'product of modern bio-technology' or 'contains genetically modified organisms', but final approval of the terminology depends on agreement of labelling standards.

An Ad Hoc Inter-governmental Task Force on Foods Derived from Bio-technology is to finalise guidelines on the labelling of GM foods and ingredients by 2003, but both the proposed scope and the purpose of those guidelines came under intense criticism at the Codex Committee on Food Labelling (CCFL) in April. A revised version will be prepared for the next CCFL session in May 2002.

The key question of traceability – how, and the extent to which, GM inputs are detected in food – was not addressed at the full Codex meeting due to time constraints. The issue will be taken up by the Codex Executive Committee next November. The EU suffered a setback in July, however, when Codex members led by the United States and backed by Argentina and Malaysia rejected an Executive Committee recommendation that the Codex Alimentarius Commission should 'ensure coherence between Codex and texts arising from the Cartagena Protocol dealing with such matters as traceability, labelling and identification of living modified organisms used as food'.

### Recommendations of the South-South Seminar on LDCs

The civil society organisations of South and South East Asia and East and Southern Africa regions, gathered in Kathmandu, Nepal from 14 to 15 July 2001 for a South-South Seminar "From Brussels to Doha: Integrating LDCs into the Multilateral Trading System". The meeting jointly organised by South Asia Watch on Trade Economics and Environment (SAWTEE) and CUTS came to the conclusion that global trading system espoused by the World Trade Organisation (WTO) has not been successful in integrating Least Developed Countries (LDCs) into the multilateral trading system. The following are the excerpts from the seminar recommendation on SPS & TBT.

#### At Global Level

- On the issues related to Standards, the following points should be considered:
  - ◆ sufficient time period be provided for notification and compliance;
  - ◆ special protective measures be provided for Small and Medium Enterprises (SMEs);
  - ◆ clear understanding be made of the basis for invoking the precautionary principle;
  - ◆ consumer concerns be recognised and addressed in a manner compatible with WTO Agreements; and
  - ◆ risk analysis be based on scientific criteria.
- Special and differential treatment must be made binding with proper provisions for notification and monitoring. Transitional periods provided under various WTO Agreements should not be based on some milestones but they should be dynamic taking into account prevailing economic conditions in countries at various stages of development.

#### At the Regional Level

- Technical capacity available with the regional cooperation arrangements in which LDCs are members (such as COMESA, ECOWAS, EAC, SAARC and SADC) should be utilised for channeling all the technical assistance provided to the LDCs.
- In order to help LDCs comply with the SPS and TBT requirements imposed by the developed countries, institutional linkage should be established among the standard setting institutions of various countries.
- Concrete arrangements should be made at the regional levels to develop physical infrastructure to enhance competitive ability of the industries within the region.



## Panel Discussion

# Standards and Market Access: The Road Ahead

Qatar International Exhibition Centre, Doha

November 11, 2001; 1500 to 1730 hrs

### Objectives

CUTS Centre for International Trade, Economics & Environment (CUTS-CITEE) would be organising a panel discussion 'Standards and Market Access: The Road Ahead' in Doha, Qatar on 11 November 2001. The purpose is to discuss the problems faced by developing and least developed countries while dealing with the WTO (World Trade Organisation) agreements/rules, viz. sanitary and phyto-sanitary measures and technical barriers to trade.

These agreements/rules have been identified as instruments to gain or block market access in the present multilateral trading system. Additionally these are more relevant to developing and least developed countries, as they are the ones, which often face barriers while accessing markets in the industrialised countries. Therefore, it becomes indispensable for the developing and least developed countries to understand the intrinsic issues.

### Topics for Discussion

Article 10.1 of the Agreement on Sanitary and Phyto-sanitary Measures (SPS) confirms the right of WTO Members to apply measures necessary to protect human, animal and plant life. The Agreement on Technical Barriers to Trade (TBT) provides disciplines regarding the setting and enforcement of technical standards to reduce associated burdens on international trade. While setting the national standards, the members are expected to work in collaboration with international organisations dealing with standards. However, these standards are being used by some of the developed countries as non-tariff barriers,

which is one way of preventing competition from developing countries.

The following are some of the issues identified for discussion:

- ◆ Imposition of standards by developed countries that are either beyond the technical competence of developing and least developed countries or do not take into account their special development and financial needs.
- ◆ Arbitrary and restrictive use of SPS measures continue to remain a major obstacle to trade in agricultural products. Moreover, developing and least developed countries do not get reasonable time to adopt their products to the requirements of new legislation.
- ◆ Lack of effective participation of developing and least developed countries in setting of standards by international standard setting organisations.
- ◆ Inadequate technical cooperation by the north to upgrade conformity assessment procedures in developing and least developed countries to gain their acceptance in developed countries.
- ◆ There has been a systematic effort by some developed countries (EU) to bring in labeling schemes into the ambit of TBT framework.

### Participants

Trade ministers, government officials, representatives of inter-governmental organisations, civil society representatives, academics, media persons, donor agencies and others, who will be present at Doha, Qatar at the time of the 4<sup>th</sup> Ministerial Conference of the WTO are invited to participate in this panel discussion.

## A SELECT LIST OF OUR PUBLICATIONS

### Briefing Papers

1. Trade and Sustainable Development: An Outline of A Southern Agenda
2. Contours of A National Competition Policy: A Development Perspective
3. Human Rights and International Trade: Right Cause With Wrong Intentions
4. Framework for Fair Trade and Poverty Eradication
5. Implementation of the Uruguay Round Agreements: Need for a Frontloaded Agenda
6. Proactive Agenda for Trade and Poverty Reduction

### Viewpoint Papers

1. Let's be Proactive on Multilateral Competition Policy
2. Investment Issues at the WTO
3. Poor Countries' Experience with the WTO Agreements on Standards
4. Linkages between Trade and Non-Trade Issues