

TradeBeat

WTO Agreement on the Application of Sanitary & Phytosanitary (SPS) Measures (Part 1)



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According to the Food and Agriculture Organization (FAO) of the United Nations trade in agricultural and animal produce accounted for over 1.5 trillion US Dollars in 2018. Consequently, there is an increased risk of transmission of diseases to people, plants and animals involved in cross border trade. In 2016 the Frosty Pod Rot disease was detected in Clarendon and almost disseminated the cocoa population, threatening the livelihood of several cocoa farmers in Jamaica. Frosty Pod Rot is highly contagious and is caused by the *Moniliophthora roreri* fungus which produce billions of spores that are easily transmitted by wind, water and humans. Once established, the disease significantly reduce crop yield by up to 80% per annum. Jamaican cocoa is recognized as 100% exclusive 'Fine Flavour' status and are among the 8 cocoa-producing countries so distinguished in the world. In order to prevent or mitigate this, it was necessary to put measures in place to ensure that international trade takes place safely. An emergency strategy was implemented to curtail the disease which included immediate suspension of trading, transportation and processing of cocoa pods immediately.

The foregoing is a small example of why the Agreement on the Application of Sanitary and Phytosanitary measures (the 'SPS' Agreement) is necessary. This Agreement was entered into force with the establishment of the World Trade Organization (WTO) on January 1, 1995. It concerns the application of food safety, animal and plant health regulations.

The SPS Agreement was designed to prohibit arbitrary or unjustifiable discrimination on trade between countries where the same conditions prevail by establishing measures to protect human, animal and plant life and health. At the same time, these measures, should not be disguised as restrictions on international trade, but rather be aligned with international standards, guidelines and recommendations. As such, WTO Members are encouraged to align their domestic measures with recognized standard setting organizations, namely:

1. Codex Alimentarius is a collection of international food standards, guidelines and codes of practice and contribute to the safety, quality and fairness of international food trade. National food safety measures should be consistent with [Codex Alimentarius Commission \(CAC\)](#) which also serves as reference in resolving trade disputes within the WTO under the SPS Agreement. The United Nation's Food and Agricultural Organization (FAO) in collaboration with the World Health Organization (WHO) provides food safety and scientific advice in support of Codex standard setting activities.

2. [International Office of Epizootics/ Office of International des Epizooties \(OIE\)](#), now known as the World Organization for Animal Health is recognized as the international standard setting body for animal health. Animal diseases detected in each member country should be reported to the OIE which then shares the information with other countries so as to take necessary actions to protect themselves.

3. [International Plant Protection Convention \(IPPC\)](#) is a multilateral treaty for international cooperation in plant protection. It is the sole global setting standard organization for plants. The convention makes provision for the application of measures by governments to protect their plant resources from harmful pests (phytosanitary measures) which may be introduced through trade.

These international bodies are known as the "three sisters" and provide a standard setting benchmark for national measures. However, states may implement stricter domestic measures than those adopted by the three sisters under the SPS Agreement, if there is a scientific justification, or the measure is inconsistent with the level of protection generally applied and deemed appropriate by the relevant country.

Their basic aim is to ensure that consumers are being supplied with food that is safe to eat by acceptable standards, while ensuring that strict health and safety regulations are not being used as an excuse to shield domestic producers from competition. Therefore these measures should not be used to create barriers to free trade, but only imposed to protect human, animal or plant health on the basis of scientific information.

The SPS Agreement seeks to protect:

1. Human and animal life from risks arising from additives, contaminants, toxins or disease-causing organisms in their food.
2. Animal and plant life from pest, diseases or diseases-carrying organisms.
3. Human life from plant or animal carried diseases.
4. Prevent or limit other damage to a country from the entry, establishment or spread of pests.

To achieve the above, SPS measures may address the characteristics of imports as well as how goods are produced, processed, stored and transported. They may take the form of:

1. Conformity assessment certificates – this document attests to a set of processes that certify that your product, service or system has met the requirements of a standard.
2. Inspection of products- the process of checking goods for compliance with your specifications and requirements.
3. Quarantine requirements – a period of isolation in which people or animals that have arrived from elsewhere or been exposed to infectious or contagious disease are placed.
4. Import Bans – disallowing the importation of certain products from a certain country into the home country.
5. Requiring products to come from a disease-free area.
6. Setting of allowable maximum levels of pesticide residues or permitted use of only certain additives in food.

SPS MEASURES IN JAMAICA

The Border Regulatory Agencies (BRAs) responsible for human health and safety, animal health and plant health in Jamaica include:

- Jamaica Customs Agency (JCA)
- Plant Quarantine Division (PQD) of the Ministry of Agriculture & Fisheries (MoAF)
- Jamaica Agricultural Commodities Regulatory Authority (JACRA) of MoAF
- Veterinary Service Division (VSD) of the MoAF
- Food Storage & Prevention of Infestation Division (FSPID) of the MoAF
- Ministry of Health & Wellness (MOHW)

All governments are obliged to notify each other, through the WTO Secretariat, of any new or modified sanitary and phytosanitary requirements which may affect trade. The SPS Agreement requires that WTO members establish a national 'enquiry point' to answer enquires from members regarding the technical requirements and SPS related measures for products sold in their countries. For Jamaica, this enquiry point is Plant Quarantine Division.

RESTRICTED ITEMS

A number of items require an import license and/or permit for export and import purposes for Jamaica. Some of these items include: meat and meat products, fish and fish products, plants and parts of plants, fruits and vegetables. These are considered restricted items. Please see table for your reference.

RESTRICTED ITEMS	REQUIREMENT	ISSUING AGENCY
Meat/Animals	Permit/Certificate, Certificate	Health Veterinary Services Division
Red Peas	Permit/ certificate	Phyto sanitary Plant Quarantine Division
Fruits, vegetables, plants and plant products	Permit/ certificate	Phyto sanitary Plant Quarantine Division
Ground Provision	Permit/ certificate	Phyto sanitary Plant Quarantine Division
Coconut derivative: Oil producing seeds, edible oils, soaps	Permit	JACRA
Milk Powder, milk based products	Licence/Permit	Veterinary Services Division
Pharmaceuticals, Chemicals, Herbal Teas	PSD Certificate	Pharmaceutical Regulatory Affair Division, Ministry of Health

*Jamaica Customs Agency Website: <https://www.jacustoms.gov.jm/article/customs-house-series-5>

JAMAICA CUSTOMS AGENCY

One of the Agency's roles in the importation process is performing border regulatory functions on behalf of other government ministries, departments, and agencies (MDAs), in order to protect Jamaica from goods and products deemed harmful to the country. Any attempt to import the specified goods into Jamaica without the required permits or licences is deemed as a breach of the Customs Act and the relevant sanctions, such as fines will be imposed.

- **JAMAICA SINGLE WINDOW FOR TRADE (JSWIFT)**

The Jamaica Single Window for Trade (JSWIFT) is implemented and operated by Jamaica Customs Agency on behalf of the Government of Jamaica. JSWIFT is a one stop shop electronic system that allows traders to submit information at a single point to fulfill all import and export regulatory requirements. This enables the trading community to apply for licenses, permits, certificates and other international trade documents (LPCO) in a 'single' space. For example, an importer of fresh produce and meat/poultry must obtain a phytosanitary and health certificate respectively from JSWIFT Website. Please note importers must apply for permits through JSWIFT.

This system promotes trade facilitation by streamlining and enhancing the services provided, replacing the previous manual process of importers and/or exporters physically obtaining these LPCOs from each BRAs.

TO BE CONTINUED...



The International and Industry Liaison Unit (IILU) is committed to raising awareness on topics relating to the International Trade, as well as issues concerning the Caribbean Community which may affect our internal and external stakeholders. Our quarterly Newsletter seeks to highlight global trade topics and their importance to Customs Administration worldwide, specifically as it relates to the Jamaica Customs Agency. As we realize our vision to becoming a modern customs administration delivering excellent service, we recognize the importance of knowledge transfer in delivering our objectives and use this forum as one way of contributing the vision of Jamaica Customs Agency (JCA). The IILU is located at JCA's Head Office and our officers are available to respond to your trade-related queries.

Contact us at: iilu@jca.gov.jm