

Biosecurity & International Trade

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Biosecurity Australia

What are the rules?

- International obligations
(notably WTO SPS Agreement)
- Domestic law – Quarantine Act and others
- Government policy
- Administrative procedures

Biosecurity –who does what?

- Agriculture, Fisheries and Forestry – Australia (AFFA) is responsible for plant and animal quarantine.
- food safety regulation is the responsibility of the Health department and Food Safety Australia New Zealand (FSANZ)

Quarantine roles in AFFA

Biosecurity Australia	AQIS	PIAPH (Product Integrity and Animal and Plant Health)
<i>Quarantine policy Technical market access SPS Committee International standards</i>	<i>Operations Border control Export certification</i>	<i>CVO CPPO Post-border Technical advice</i>

Australia's Approach to quarantine

- policies and practices which afford a high level of quarantine protection against exotic pests and diseases
- managed-risk approach, based on scientifically justified measures that are the least trade-restrictive possible
- underpinned by a highly transparent import risk analysis process
- strong investment throughout the quarantine continuum – pre-border, border & post-border.

Establishment of the WTO

Post WWII-
General Agreement on Tariffs
and Trade (GATT) 1947



**1995 -
World Trade
Organisation (WTO)**



GATT
1994
(Uruguay
Round)

Various
WTO
Agreements -
SPS
Agreement

The SPS Agreement

The WTO Agreement on the Application of Sanitary and Phytosanitary Measures

WHAT CAN BE PROTECTED?

- **To protect human or animal life from risks arising from toxins, disease-causing organisms, additives or contaminants in their food;**
- **To protect human life from diseases carried by plants or animals;**
- **To protect plants and animals from pests, diseases or disease-causing organisms; and**
- **To protect or limit other damage to a country from the entry, establishment or spread of pests.**

THE THREE SISTERS

SPS Agreement bestows special status to standards set by three bodies -

"the three sisters":

- 1. Codex Alimentarius Commission
(for food safety)**
- 2. International Office of Epizootics
(OIE) (animal health)**
- 3. International Plant Protection Convention
(IPPC)
(for plant health)
- responsible for developing ISPM standards**



What do the 3 sisters do?

- International cooperation
- Harmonisation
- Technical exchange
- Standard setting

Key principles of the SPS Agreement

The SPS Agreement includes the following key principles:

- **Basic rights and obligations**
- **Harmonisation**
- **Equivalence**
- **Risk assessment**
- **Adapting to regional conditions**
- **Transparency**
- **Justification for measures**

SPS Agreement

Basic Rights and Obligations (Article 2)

- Protect the health of citizens, animals and plants.
- But must be science-based, least trade restrictive and not arbitrarily discriminate

Harmonisation (Article 3)

- **Conform to internationally agreed standards, guidelines or recommendations**
- **Otherwise, have scientific evidence to justify the measures and base them on risk assessment.**

Equivalence (Article 4)

If a country can demonstrate to Australia that a different quarantine measure than the one specified by Australia achieves the same goal, Australia is obliged to consider the suggested measure.

Risk Assessment / ALOP (Article 5)

- **Based on scientific evidence**
- **Transparent**
- **Should result in measures which are not more trade restrictive than necessary**

APPROPRIATE LEVEL OF PROTECTION (ALOP)

- **Each country has the right to determine its ALOP**
- **“acceptable level of risk” ~ “tolerable loss”**
- **For Australia = “very conservative approach to quarantine policy”**
- **Must be applied consistently, and in the least trade restrictive manner**

Regional Conditions – pest free areas and areas of low pest prevalence (Article 6)

Members must recognise:

The regional conditions of the place where the commodity originates; such as

- Pest or disease free areas
- Areas of low pest or disease prevalence

Transparency (Article 7)

Members must be open and transparent in all dealings on SPS issues

- notification of all SPS measures to WTO**
- transparent basis for determining measures**

The SPS Committee of the WTO

- **forum for consultations about specific trade/quarantine issues**
- **implementation of the SPS Agreement**
- **harmonisation of countries' SPS systems**
- **development of guidelines & policies to assist members**
- **input from "three sisters"**

Australian Import Risk Analysis– key features

- Science-based
 - Teams selected for expertise
 - Use of external experts
 - Peer review
- Open and consultative to all stakeholders
- Transparent
 - Documented process and methodology
 - Documented updates and milestones
 - keep all interested parties, including third countries informed
 - Web page and public file for each IRA

Biosecurity: why the controversy?

- Australia is free of many of the serious pests and diseases affecting other countries
- maintaining animal and plant health status is vital for our export industries and environment
 - much of our agricultural exports are in unprocessed form
 - Australia's primary industries span a very wide climactic range – hence an unusually broad host range for pest and diseases
 - eg estimated cost to Australia of an FMD outbreak is between \$8 and \$13 billion
 - broad natural biodiversity sensitive to incursions of exotic pests and diseases
- Australia is an attractive, concentrated market- eg for horticultural products

SPS Challenges

- **zero risk is not an option**
- **communicating managed risk to affected industries, the media, trading partners**
- **explaining the what, how and why of the way we do import risk analysis**
- **estimating risk in complex, pressured & contentious situations**
- **transparency - relating quarantine measures to risk**
- **what are the least trade restrictive measures?**

SPS Challenges

- **Risk analysis – an evolving science under the spotlight**
- **What is enough science and whose science is right?**
- **Dealing with legal, PR & scientific challenge**
- **Controversy suits some players**
- **Managing domestic stakeholder expectations and trading partner expectations**

SOME CURRENT IMPORT RISK ANALYSES

- Pig meat
- Pig semen
- Chicken meat
- Prawns & prawn products
- Freshwater crayfish
- Eggs & egg products
- Live birds
- Zoo primates
- Bee semen
- Philippines bananas
- Florida citrus
- NZ apples
- USA bulk maize
- Chile table grapes
- Ornamental Bulbs
- China longan & lychee
- Japan unshu mandarin
- Fiji papaya