African Organisation for Standardisation WORKSHOP

19 June 2018
Interface of TBT & SPS - Food safety: the Listeria bacteria outbreak in Southern Africa.

Thavan Naidoo
General Agreement on Tariffs & Trade (GATT)

• Governments to act on trade in order to protect human, animal or plant life or health, provided they do not discriminate or use this as disguised protectionism.

• The Sanitary and Phytosanitary Measures Agreement or (SPS)

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• The Technical Barriers to Trade Agreement (TBT) deal with food safety and animal and plant health and safety, and with product standards in general.

• Both try to identify how to meet the need to apply standards and at the same time avoid protectionism in disguise. These issues are becoming more important as tariff barriers fall.
Sanitary & Phytosanitary Measures (the SPS Agreement)

• How do you ensure that your country’s consumers are being supplied with food that is safe to eat — “safe”

• A separate agreement on food safety and animal and plant health standards (the Sanitary and Phytosanitary Measures Agreement or SPS) sets out the basic rules.

• It allows countries to set their own standards.

• Regulations must be based on science.
### SPS MEASURES

- Protect human or animal health from food-borne risks
- Protect human health from animal or plant carried diseases
- Protect animals and plants from pests or diseases
- Examples: pesticide residues or food additives

### TBT MEASURES

- Human disease control (unless it’s food safety)
- Nutritional claims
- Food packaging and quality
- Examples: labelling (unless related to food safety)
If an exporting country can demonstrate that the measures it applies to its exports achieve the same level of health protection as in the importing country, then the importing country is expected to accept the exporting country’s standards and methods.

The agreement includes provisions on control, inspection and approval procedures.

Governments must provide advance notice of new or changed sanitary and phytosanitary regulations, and establish a national enquiry point to provide information.

The agreement complements that on technical barriers to trade.
Technical Barriers to Trade Agreement (TBT)

- Technical regulations and standards are important, but they vary from country to country.
- If the standards are set arbitrarily, they could be used as an excuse for protectionism.
  - Standards can become obstacles to trade.
- The Technical Barriers to Trade Agreement (TBT) tries to ensure that regulations, standards, testing and certification procedures do not create unnecessary obstacles.
Technical Barriers to Trade Agreement (TBT)

- Recognizes countries’ rights to adopt the standards they consider appropriate.

- Members are not prevented from taking measures necessary to ensure their standards are met.

- Simpler if governments apply international standards, and the agreement encourages them to do so, in any case, whatever regulations they use should not discriminate.

- The agreement also sets out a code of good practice for both governments and non-governmental or industry bodies to prepare, adopt and apply voluntary standards. Over 200 standards-setting bodies apply the code.
Technical Barriers to Trade

• Procedures used to decide whether a product conforms with relevant standards have to be fair and equitable.

• Encourages countries to recognize each other’s procedures for assessing whether a product conforms.

• Manufacturers and exporters need to know what the latest standards are in their prospective markets.

• WTO member governments are required to establish national enquiry points and to keep each other informed through the WTO — around 900 new or changed regulations are notified each year.

• The Technical Barriers to Trade Committee is the major clearing house for members to share the information and the major forum to discuss concerns about the regulations and their implementation.
LISTERIA OUTBREAK IN SOUTH AFRICA 2017-2018

• Listeriosis outbreak.
  1038 cases
  208 deaths

• The highest number of deaths is among the neonates at 91 with the second highest amongst the 15-49 year group at 49

• The percentages attributed to the three major provinces i.e. Gauteng, Western Cape and Kwa-Zulu Natal have also remained relatively consistent.

• Whilst the ST6 strain is the outbreak strain, there are others, as listed in previous NICD updates, that are causing illnesses and possibly deaths, so according to the WHO, this could be a multiple outbreak.

• EHPs have been undergoing training to take samples correctly.

Content from Dr Lucia Anelich, SAAFoST President.
LISTERIA OUTBREAK - Consequences

• The World Trade Organisation (WTO) Sanitary & Phytosanitary (SPS) Agreement:
  • countries would be entitled to stop SA exports in order to protect human, animal and plant life or health.

• The measures must be notified by the importing countries to the WTO SPS Committee, "promptly’’.

• Processed meat falls in Chapter 16 of the HS (harmonized systems code) system: Preparations of meat, of fish or of crustaceans, molluscs or other aquatic invertebrates.

• The sub-headings 1601 and 1602 are the subject of this analysis - top 12 destinations analysed. – 1601: Sausages and similar products, of meat, offal or blood; food preparations based on these products. – 1602: Prepared or preserved meat, offal or blood (excluding sausages and similar products, and meat extracts and juices).
LISTERIA AVOIDANCE

• On 15 March 2018 - extraordinary SADC Health Ministers strategic meeting on Listeriosis preparedness and response held in Kempton Park, South Africa.

• The following countries were represented: Malawi, Zambia, Lesotho, Zimbabwe, Swaziland, Democratic Republic of Congo, Mauritius, Mozambique, Botswana, Tanzania.

• The meeting deliberated on the implications:
  • Harmonised procedures of prevention, detection and response to Listeriosis in the SADC Region.
  • Cross Border collaboration with respect to Listeriosis in import of processed food.
  • Establish mechanisms for inter-sectoral and multi-sectoral coordination. - Facilitate experience sharing and information exchange between member States.
  • Public education on Listeriosis.
  • Enhance enforcement and compliance within food safety environment.
Listeria takes a bite out of trade as countries ban SA's 
processed meat  — Mar 28 2018 14:20 Khulekani Magubane- FIN24

• More than six countries have banned products from South Africa in 
  light of listeriosis concerns.

• “We have been exporting $18m or R210m to countries like Lesotho, 
  Mozambique, Namibia and Swaziland. There are R100m worth of 
  exports in sausages alone that have been affected as a result of 
  countries banning our products,”.

• “For prepared and preserved meat extracts and juices we are aware of 
  six countries that have banned these products. R202m worth of exports 
  are affected by the bans that we are aware of. The long term impact 
  will be higher.”

• impact of the perceptions is considerable. Rwanda have not only 
  stopped [the import of] preserved meats but they have stopped 
  importing fruits and vegetables, informed by uncertainty on whether 
  the ST6 strain came from soil,”
LISTERIA AVOIDANCE

- Compliance to Food Safety Legal and Standard Requirements
- Train Staff – Competency Assessments
- Hygiene Monitoring – Cleaning Effectiveness
- Approved Supplier Program – Safe Raw Materials
- Audit Compliance – Identify Potential Risks
Chantelle Delport

+27 11 396 1101
chantelle.delport@intertek.com
intertek.com