



# **International Plant Protection Convention CPM-12, 5-11 April 2017**

## **Special Topic Session on e-Commerce and Phytosanitary Risks**

### **WTO Intervention**

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# What is the objective of the WTO SPS Agreement?

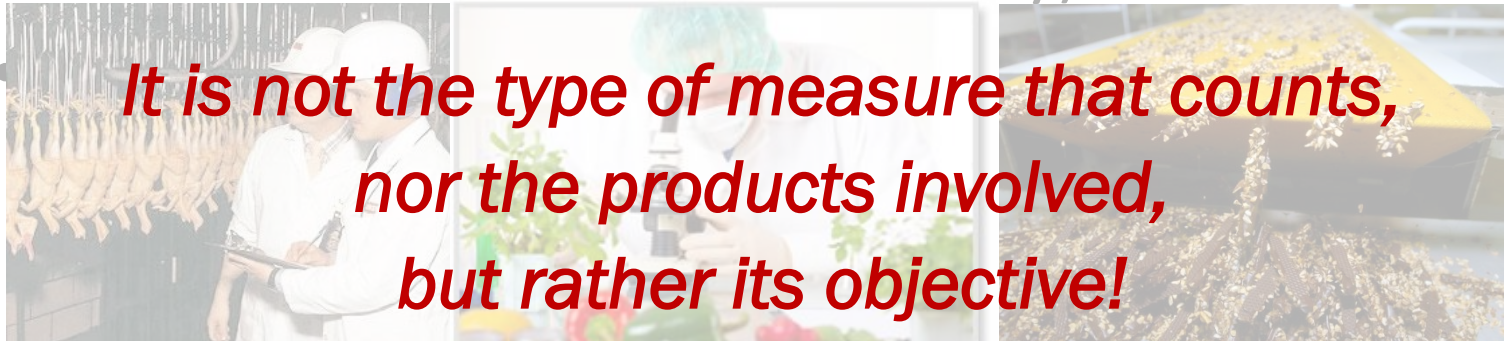
Recognizing the right to protect human, animal, **plant** life or **health**



Avoiding unnecessary barriers to **trade**

# All types of measures with that purpose, including:

- product criteria
- quarantine measures
- processing methods
- inspection
- testing
- packaging, labelling (food safety)



***It is not the type of measure that counts, nor the products involved, but rather its objective!***

# Key Provisions: SPS Agreement

- Non-discrimination
- Scientific justification
- Equivalence
- Regionalization
- Transparency
- Technical assistance/special treatment
- Control, inspection and approval procedures

# The SPS Agreement and e-Commerce

- The SPS Agreement applies to all SPS measures which may, directly or indirectly, affect international trade
- No specific/separate provisions in the SPS Agreement regarding plants and plant products traded through electronic means
- The SPS Agreement strongly encourages Members to use the international standards, guidelines and recommendations developed by the FAO/WHO Codex Alimentarius Commission (Codex), the International Plant Protection Convention (IPPC) and the World Organization for Animal Health (OIE) as the basis for their SPS measures
- While IPPC standards serve as the relevant benchmarks for international trade in plant and plant products, Members can also carry out their own risk assessment



# The WTO work programme on e-Commerce

## Declaration on Global E-Commerce: Geneva Ministerial Conference, 1998

- **Established a comprehensive work programme on trade-related aspects of global e-commerce**
- **Moratorium: a provisional moratorium on customs duties on electronic transmissions**



# What are we talking about

## Definition

For the purposes of the work programme...

**"electronic commerce"** *is understood to mean the production, distribution, marketing, sale or delivery of goods and services by electronic means*

**WT/L/274, 30 September 1998**

**Adopted by the General Council on 25 September 1998**



# Where is E-Commerce discussed?

In the relevant WTO bodies:

- **The Council for Trade in Goods (CTG)**
- **The Council for Trade in Services (CTS)**
- **The TRIPs Council**
- **The Committee on Trade and Development (CTD)**

**PLUS**

**The Dedicated Discussions of the GC on E-commerce**

**AND**

**Progress reports to, and review by, the General Council (GC)**

**BUT ALSO**

**Decisions by the Ministerial Conferences**



# Work Programme: Goods



- market access for and access to products related to e-commerce
- customs valuation issues
- import licensing issues
- customs duties and other duties and charges
- **standards-related issues**
- rules of origin issues
- classification issues

# Issues raised so far by Members

- Definition
- Customs duties/  
Moratorium
- Transparency (general)
- Non-discrimination
- Data flows
- Market access  
commitments/  
negotiations:
- Privacy/ personal data
- E-signatures
- Authentication
- Consumer protection &  
confidence
- IPR protection
- Electronic payments
- Paperless trading
- Legal frameworks
- Regulatory cooperation
- Cooperation with other  
Int. Organizations
- Localization restrictions



# Some other relevant work:

- **Agreement on Government Procurement**
- **Customs Valuation Agreement** (Decision on the valuation of carrier media bearing for data processing equipment)
- **Aid for Trade** – focus on connectivity – e-commerce related questionnaires
- **Information Technology Agreement** (Expansion of the ITA + support to the WP on E-commerce)
- **Agreement on Trade facilitation** - TFA provisions related to e-commerce and e-procedures and transactions
- **STDF – work on electronic certification**

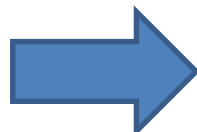
## What is an electronic SPS certificate?

**Electronic SPS Certification** is the authenticated, non-repudiative and secure electronic transmission of sanitary and phytosanitary certification data, including the certifying statement, from the competent authority of the exporting country to the competent authority of the importing country.

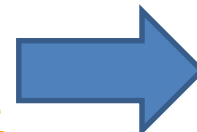
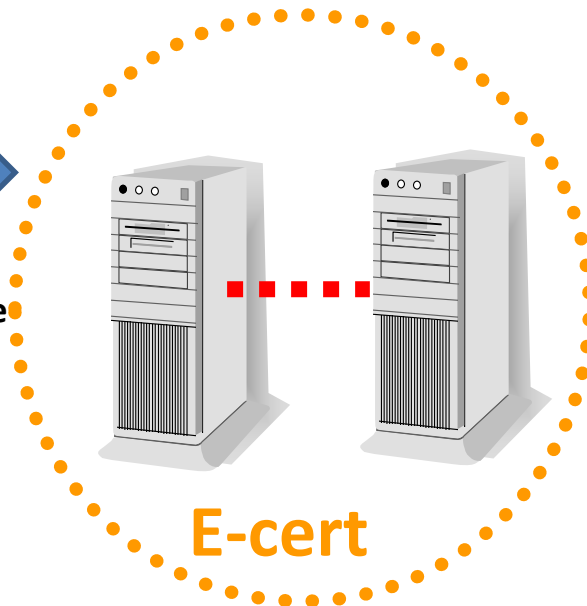
### EXPORTING COUNTRY COMPETENT AUTHORITY



Certification process  
Inspection procedure,  
testing,...



Sending  
certificate



Receiving  
certificate

### IMPORTING COUNTRY COMPETENT AUTHORITY



Import procedures  
Inspection,  
release,...

# Advantages of electronic certification

## Integrity

- Electronically secured certificates
- Cross-checking in real time
- Single national register of certificates

## Efficiency

- Online application and processing
- Faster processing through pre-validation
- Faster processing cuts clearance time

## Security & compliance

- Very difficult to forge
- Improved compliance with policies and procedures
- Online verification for third parties / importing nations

## Productivity

- Single view of all relevant information
- Searchable database with all certificates
- Simple maintenance of forms

## STDF project on electronic phytosanitary certification (ePhyto)

- **A global initiative led by the International Plant Protection Convention (IPPC)**
- **Establish a e-Phyto Solution comprised of a Hub and a Generic National System**
- **E-Phyto once established and accessible to all Contracting Parties should enable them to communicate phytosanitary assurances in a modern, cost effective and globally harmonized way**

# Possible SPS and IPPC Secretariats collaboration: some issues for further consideration

- Inform SPS Committee members of IPPC work and recommendations on the issue of phytosanitary risks in e-commerce
- Follow Members exchanges on e-commerce, including any possible identification of gaps in trade rules regarding e-commerce of plants and plant products
- IPPC to encourage the other standard-setting organizations (Codex, OIE) to study/identify relevant risks arising from e-commerce and to develop any necessary recommendations
- IPPC to continue monitoring the issue of phytosanitary risks related to e-commerce and the implementation of its recommendations
- Pursue Secretariat to Secretariat information exchange



Thank you.