

SPS Measures and Conformity Assessment

Outline



- Defining SPS
- Bangladesh Situation on SPS
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What is SPS?

- Sanitary and Phyto-Sanitary (SPS) measures arise from the WTO Agreement (Uruguay Round) on the objective of protecting life and health of human, animals, and plants from diseases, pests, or contaminants.
- It can cover both food and non-food items, as far as human, animal, and plant health is concerned.
- It applies to all sanitary (relating to animals) and phytosanitary (relating to plants) measures that may have a direct or indirect impact on international trade.

How does it work?

- The SPS agreement includes a series of trade disciplines on how SPS measures will be established and used by countries when they establish, revise, or apply their domestic laws and regulations.
- Countries agree to base their SPS standards on science, and as guidance for their actions, the agreement encourages countries to use standards set by international standard setting organizations.
- The SPS agreement seeks to ensure that SPS measures will not arbitrarily or unjustifiably discriminate against trade of certain other members nor be used to disguise trade restrictions.
- In this SPS agreement, countries maintain the sovereign right to provide the level of health protection they deem appropriate, but agree that this right will not be misused for protectionist purposes nor result in unnecessary trade barriers.
- A rule of equivalency rather than equality applies to the use of SPS measures.

SPS in Bangladesh

- As a signatory of the WTO's Agreement on Sanitary and Phyto Sanitary (SPS) measures, Bangladesh has SPS regime and institutional mechanism in place to administer SPS measures with the objective of protecting life and health of human, animals, and plants.
- Bangladesh considers SPS measures from two points of view: (i) import point of view and (ii) export point of view, administered on the basis of number of laws and related regulations.

Major Laws for SPS

- The Bangladesh Standards and Testing Institution (Amendment) Act, 2003
- The Pesticide Ordinance, 1971 (and Rules, Amended in 2010)
- Agricultural Pest Ordinance, 1962
- The Destructive Insects and Pests Rules (Plant Quarantine), 1966 (Amended in 1989)
- The Agriculture Produce Market Regulation Act, 1964

Major SPS Laws...

- The Conservation and Protection of Fish Act, 1950
- The Fish and Fish Product (Inspection and Quality Control) Ordinance, 1983
- The Animal Slaughter and Meat Standard (Control) Act, 2005
- The Animal Disease Act, 2005 (and Rules, 2008)
- The Animal and Animal Products Quarantine Act, 2005

Major SPS Laws...

- Bangladesh Accreditation Board Act, 2006
- Safe Food Act, 2013
- Import Policy Order (issued periodically once in every 3 years)

SPS Authorities

- The WTO Cell at the Ministry of Commerce, Bangladesh is the National Notification Authority for SPS issues in Bangladesh.
- The major public institutions directly involved in SPS administration and policy framing are the following ministries and attached departments:
 - Ministry of Commerce
 - Ministry of Industries
 - Ministry of Health and Family welfare
 - Ministry of Agriculture
 - Ministry of Fisheries and Livestock
 - Ministry of Environment and Forest

SPS Authorities

- National Board of Revenue
- Safe Food Authority
- Bangladesh Accreditation Board
- BSTI (Bangladesh Standards and Testing Institutions) under the Ministry of Industries
- Department of Agriculture Extension (DAE) under the Ministry of Agriculture
- Various laboratories under various Ministries (BCSIR, BUET, BARI, etc.)

Trade Dimension of SPS

- Extremely important because of its trade implications
- It is not possible to export our products if they fail to comply with the SPS regulations (i.e., quality standards, test certificate, production procedures, etc.) of the importing countries
- Import will not be allowed if the products do not ensure compliance with the local standards in Bangladesh



SPS Measures

- The 2012 classification of non-tariff measures (NTMs) developed by the Multi-Agency Support Team (MAST), a working group of eight international organisations, classifies SPS measures as one of 16 non-tariff measure (NTM) chapters.
- In this classification, SPS measures are classified as chapter A
- Defined as "Measures that are applied to protect human or animal life from risks arising from additives, contaminants, toxins or disease-causing organisms in their food; to protect human life from plant- or animal-carried diseases; to protect animal or plant life from pests, diseases, or disease-causing organisms; to prevent or limit other damage to a country from the entry, establishment or spread of pests; and to protect biodiversity".
- This includes measures for protecting fish and wild fauna, forests and wild flora.

Examples of SPS Measures

- **A1: Prohibitions/restrictions of imports for SPS reasons**
 - A11: Temporary geographic prohibitions for SPS reasons. *Example: Imports of poultry from areas affected by avian flu or cattle from foot-and-mouth disease-affected countries are prohibited.*
 - A14: Special authorisation requirement for SPS reasons. *Example: An import authorisation is required from the Ministry of health for baby food items.*
- **A2: Tolerance limits for residues and restricted use of substances.**
 - A21: Tolerance Limits for residues or contamination by certain (non-microbiological) substances. *Examples: (a) MRL is established for insecticides, pesticides, heavy metals and veterinary drug residues; (b) POPs and chemicals generated during processing; (c) residues of dithianon in apples and hop.*
 - A22: Restricted use of certain substances in foods and feeds and their contact materials. *Examples: (a) Certain restrictions exist for food and feed additives used for colouring, preservation or sweeteners; (b) For food containers made of polyvinyl chloride plastic, vinyl chloride monomer must not exceed 1 mg per kg.*

Examples of SPS Measures..

- **A3: Labelling, marking and packaging requirements**
 - A31: Labelling requirement. *Examples: (a) Labels that must specify the storage conditions such as “5 degree C maximum”; (b) potentially dangerous ingredients such as allergens, e.g. “contains honey not suitable for children under one year of age”.*
- **A4: Hygienic requirements**
 - A41: Microbiological criteria of the nal product. *Example: Liquid eggs should be pasteurized or otherwise treated to destroy all viable Salmonella microorganisms.*
- **A5: Treatment for elimination of plant and animal pests and disease-causing organisms in the nal product (e.g. post- harvest treatment)**
 - A51: Irradiation. Requirement to kill or devitalize microorganisms, bacteria, viruses, or insects that might be present in food and feed products by using irradiated energy (ionizing radiation). *Example: This technology may be applied on meat products, fresh fruits, spices and dried vegetable seasonings.*

Examples of SPS Measures...

- **A6: Other requirements on production or post-production processes.**
 - A63: Food and feed processing. Requirements on how food or feed production should take place in order to satisfy sanitary conditions for the final products. *Example: New equipment or machinery for handling or processing feed in or around an establishment producing animal feed shall not contain polychlorinated biphenyls (PCBs).*
- **A8: Conformity assessment related to SPS.**
 - Requirement for verification that a given SPS condition has been met. It could be achieved by one or combined forms of inspection and approval procedure, including procedures for sampling, testing and inspection; evaluation, verification and assurance of conformity; accreditation and approval, etc.
 - A83: Testing requirement. A requirement for products to be tested against a given regulation, such as MRL: This measure includes the cases where there is sampling requirement. *Example: A test on a sample of orange imports is required to check against the maximum residue level of pesticides.*
 - A83: Certification requirement. Certification of conformity with a given regulation that is required by the importing country but may be issued in the exporting or the importing country. *Example: Certificate of conformity for materials in contact with food (containers, papers, plastics, etc.) is required.*

Conformity Assessment Requirements...

- A84: Inspection requirement. Requirement for product inspection in the importing country. It may be performed by public or private entities. It is similar to testing, but it does not include laboratory testing. *Example: Animals or plant parts must be inspected before entry is allowed.*
- A85: Traceability requirements. Disclosure requirement of information that allows following a product through the stages of production, processing and distribution. *Example: For vegetables, disclosure of information on the location of the farm, name of the farmer or fertilisers used may be required.*
- A86 Quarantine requirement. Requirement to detain or isolate animals, plants or their products on arrival at a port or place for a given period in order to prevent the spread of infectious or contagious disease, or contamination. *Example: Live dogs must be quarantined for two weeks before entry into the territory is authorized. Plants need to be quarantined to terminate or restrict the spread of harmful organisms.*

Facilities in Bangladesh

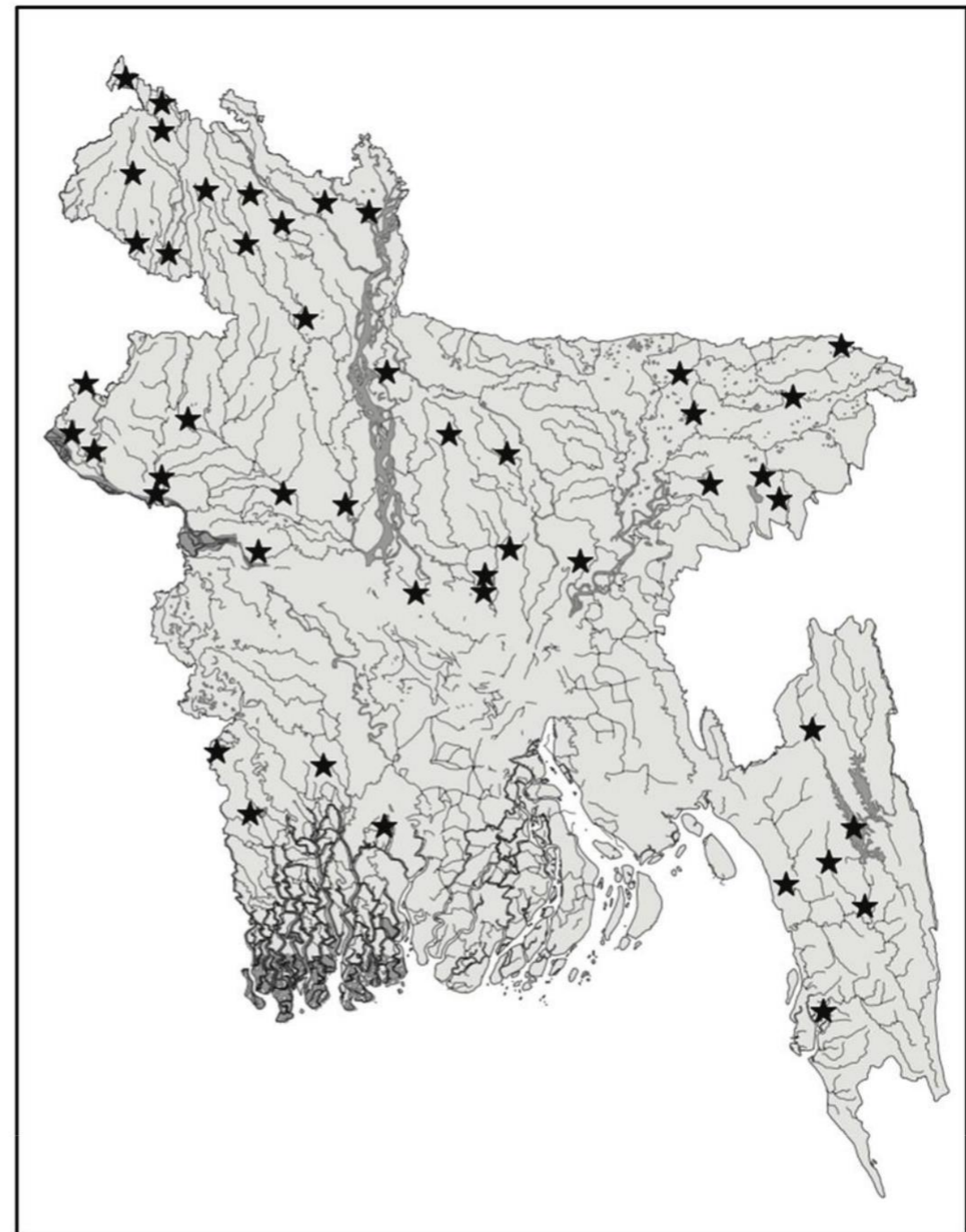
- BSTI has a total of 18 laboratories, including those at its head office in Dhaka and 5 regional offices to perform various testing, conformity assessment, and certification.
- The head office and each of the 5 regional offices has 1 laboratory chemical testing, 1 laboratory for physical testing, and 1 laboratory for physical metrological testing.
- So, 3 laboratories in each of the 6 offices make the total of 18 laboratories of BSTI.
- There are 5 new laboratories are in progress, and expected to become functional with another year or so. So far, the BSTI laboratories have been set up in district towns, for ease of administration.

Facilities in Bangladesh...

- Plant Quarantine Wing of Department of Agriculture Extension (DAE) currently has 16 laboratories and one more laboratory is going to be established by 2018 in the Central Packing House.
- As of 2017, DAE has 30 plant quarantine stations all over the country.
- Out of these 30 stations, 23 are at various Land Customs Stations (LCS), 3 at international airports, 2 are at sea ports, and 1 at the inland container depot of railway. Additionally, the headquarters in Dhaka has a fully operations plant quarantine station.



BSTI Laboratories



DAE Laboratories and Quarantine Stations



❖ Bangladesh Accreditation Board (BAB):

- ❖ Has accredited 52 conformity assessment bodies till July 2017
- ❖ Out of these 52,
 - ❖ 41 are testing laboratories for various products (ISO/IEC 17025:2005)
 - ❖ 5 are calibration laboratories (ISO/IEC 17025:2005)
 - ❖ 2 are for medical diagnostic testing laboratories (ISO15189:2012)
 - ❖ 2 are for certification bodies (ISO/IEC 17021:2011)
 - ❖ 2 are for inspection bodies (ISO/IEC 17020:2012)



Conformity Assessment in Bangladesh

- The main forms of conformity assessment are:
 - Testing
 - Inspection
 - Certification

Conformity Assessment Bodies

- **Public Sector Agencies:**

1. Bangladesh Accreditation Board, (BAB)
2. Bangladesh Standards and Testing Institute (BSTI)
3. Bangladesh Telecommunications Company Ltd. (BTCL)
4. Bangladesh Telecommunication Regulatory Commission (BTRC)
5. Energy Regulatory Commission
6. WASA

Conformity Assessment Bodies..

8. Drug Administration Authority
9. Training Institute for Bangladesh Chemical Industries Corporation
10. Bangladesh Centre for Scientific and Industrial Research (BCSIR)
11. Fisheries Inspection & Quality control, FIQC
12. Bangladesh Atomic Energy Commission
13. Central Drug Testing Laboratory
14. Department of Public Health Engineering (DPHE)
15. Bangladesh University of Engineering and Technology (BUET)

Conformity Assessment Bodies...

- **Non-Government & Private:**

- Multi-National:**

1. SGS
2. Bureau Veritas
3. TUV Rheinland
4. TUV SUD
5. Intertek ; etc.

- Private:**

1. Bangladesh Garments Manufacturers and Exporters Association(BGMEA) labs
2. Pharmaceutical Industries In-house labs

Inspection

- Bulk agricultural commodity cargo inspection and testing
- Verification of packing / shipping marks, product marks, etc
- HS customs coding verification
- Verification of contractual quantity and quality specifications

Practical Examples

- Pasteurised Milk (BDS 1702) - pathogens/microbes
- Biscuits (BDS 383) - ingredients
- Instant Noodles (BDS 1552) - led contamination

Looking Forward



- **Policy and Regulatory Framework**
 - Update and reform major laws
 - Strengthen Domestic Enforcement of Quality Standards
 - Increase the Number of Products Requiring Mandatory Certification by BSTI

Looking Forward..



- **Institutional Strengthening**
 - Expand Inter-Agency and Public-Private Coordination
 - Strengthen National Food Safety Authority
 - Close the Information Gap for Private Sector Business and Traders

Looking Forward...



- SPS Related Infrastructure Upgrading
- Conduct Needs Assessment for Infrastructure
- Upgrade and Scale Up Laboratory Facilities
- Develop Incentive Schemes for Testing Laboratories