

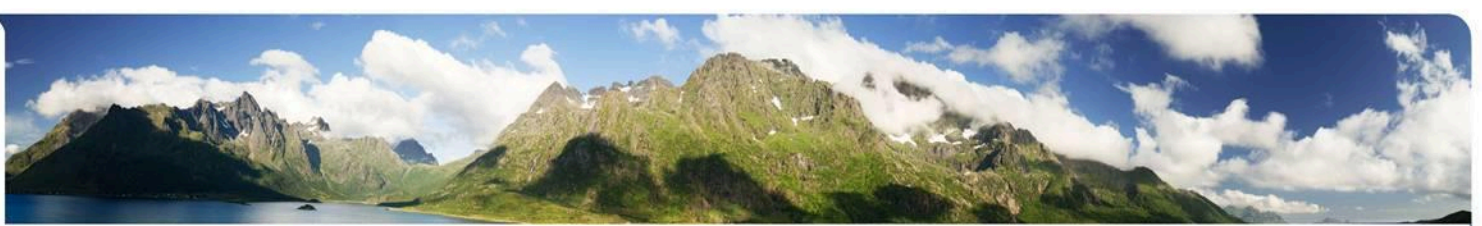
# EFTA-Colombia Non-tariff measures -HANDOUT-

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Tim Kränzlein

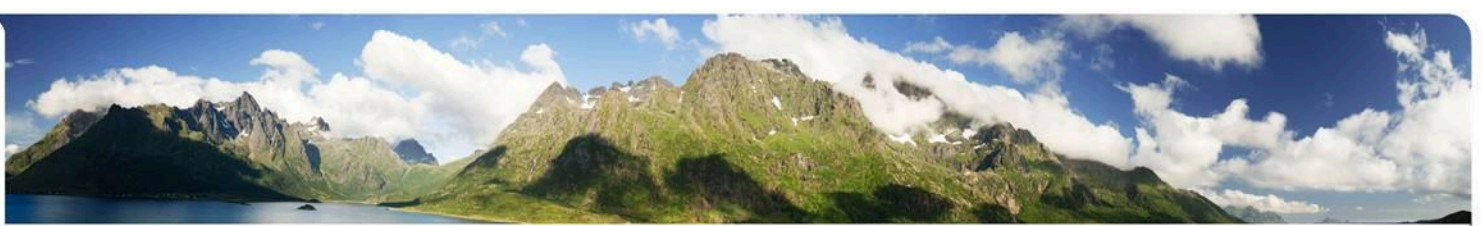
[Tim.Kraenzlein@blw.admin.ch](mailto:Tim.Kraenzlein@blw.admin.ch)

Deputy Head, Trade Relations Unit, Federal Office for Agriculture, Switzerland



# Structure of the presentation

- Non Tariff Measures (NTM): Regulatory context
- Sanitary and phytosanitary measures (SPS)  
SPS in the Colombia-EFTA trade
- Technical barriers to trade (TBT)  
TBT in the Colombia-EFTA trade

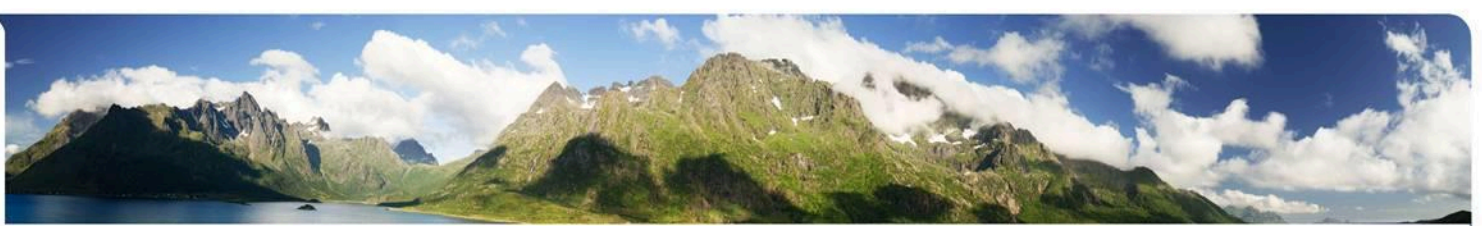


# What are Non-Tariff Measures (NTM)?

Other than duties:

- Standards and procedures
  - SPS
  - TBT
- Customs procedures
- Licences etc.

→ Non-tariff measures more and more important as tariff barriers fall

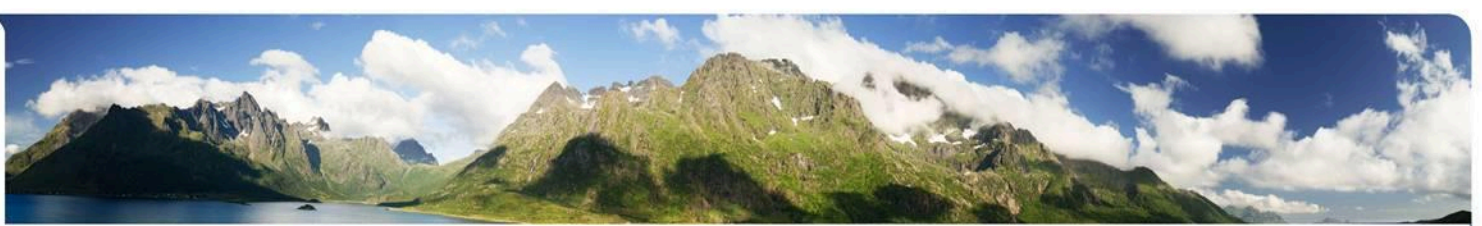


# What is WTO?

The World Trade Organization (WTO) sets out the rules of international trade and sort out the trade problems

The WTO agreements provide the legal ground rules for international commerce:

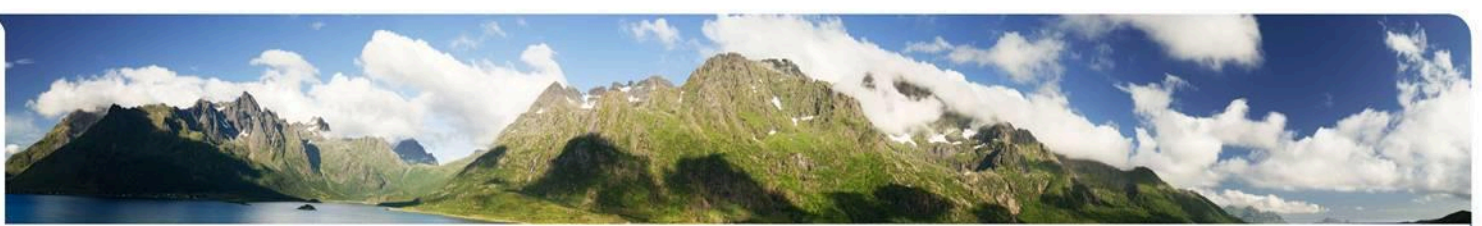
“...to help producers of goods, exporters and importers conduct their business, while allowing governments to meet social and environmental objectives.”



# NTMs in WTO/GATT Agreements

Two specific WTO Agreements dealing with NTMs (food safety, animal and plant health and safety, and with products standards in general)

- SPS (sanitary and phytosanitary) agreement
- TBT (technical barriers to trade) agreement



# SPS & TBT in EFTA

Standards in EFTA based on WTO and EU regulations

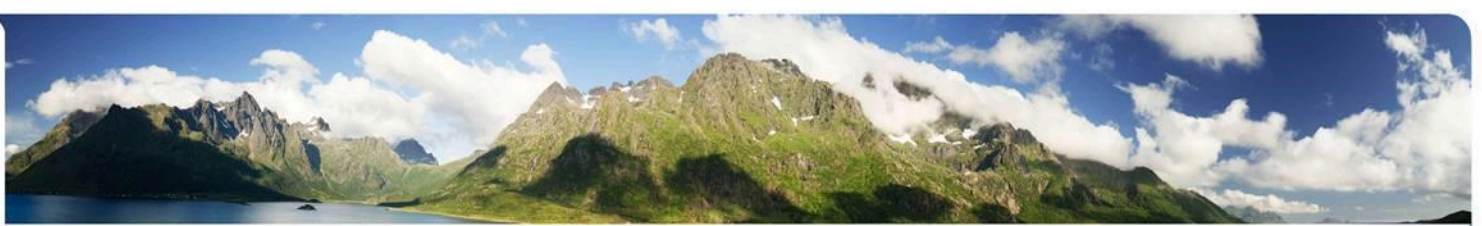
EEA: Norway and Iceland apply EU legislation

Switzerland has bilateral EU agreements  
(also applied by Liechtenstein).

→ Similar standards for EFTA/EU market participants



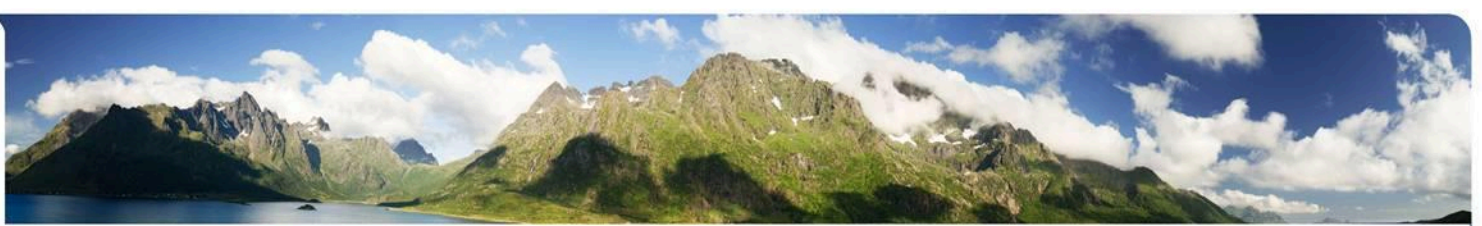
# Sanitary and Phytosanitary measures (SPS)



# What are SPS Measures?

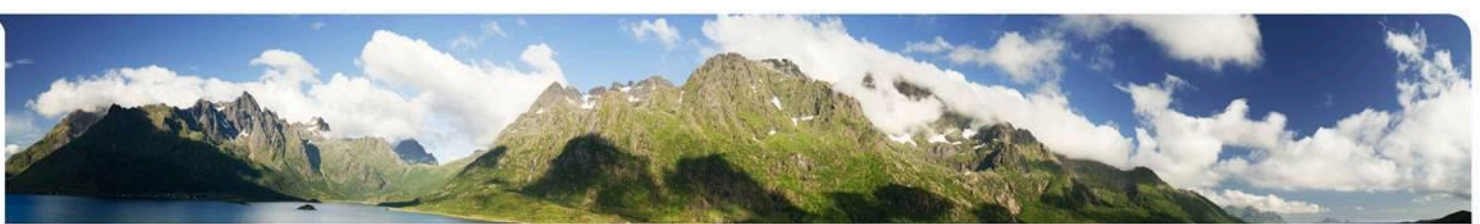
- Certification requirements: food safety, animal or plant health
- Processing methods with implications for food safety
- Plant and animal quarantine
- Preventing disease or pests spreading
- Other sanitary requirements for imports





# Principles of the WTO SPS Agreement

- Standards must be based on scientific justification
- Regulations only to protect human, animal or plant life or health.
- No discrimination between countries / between domestic and imported products
- Countries are encouraged to use international standards
- Transparency: notification / enquiry point / legal framework



# International regulations

International regulations as bases for national regulations

Standard setting bodies:

- CODEX (foodstuffs)
- OIE (animals)
- IPPC (plants)

english

français

español

العربية

中文

русский

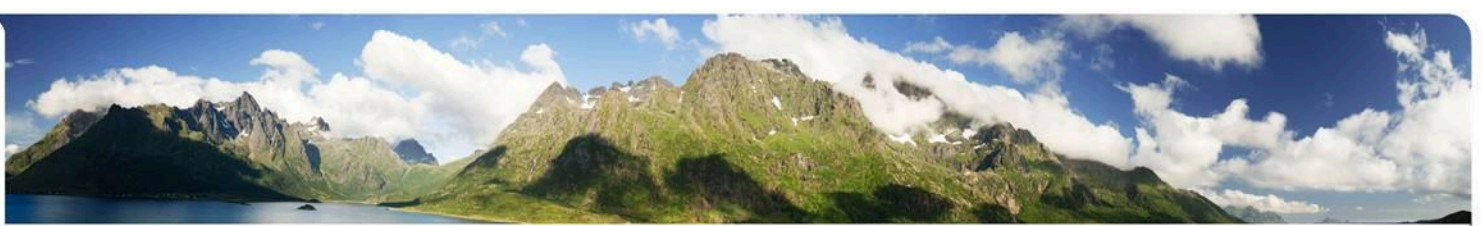
**C O D E X**      **A L I M E N T A R I U S**  
International Food Standards



World Health  
Organization



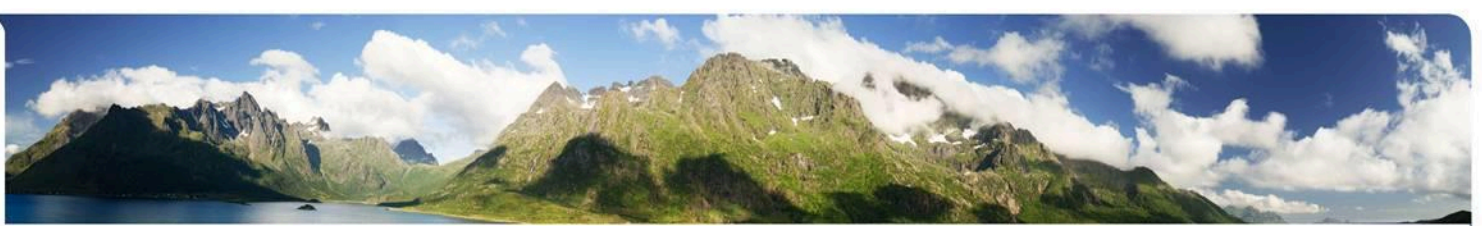
Food and Agriculture  
Organization of  
the United Nations



# SPS in EFTA-Colombia FTA

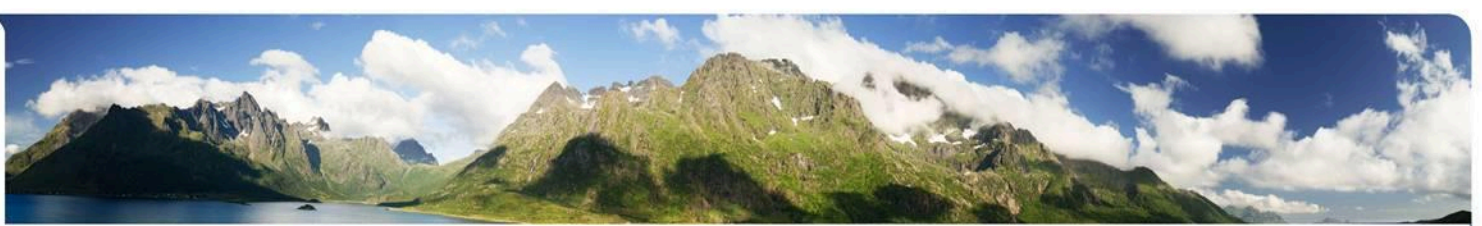
Article 2.13 of the FTA:

- WTO SPS Agreement applies between the Parties
- Co-operation
- Forum for SPS experts
- Possibility to develop bilateral agreements



# SPS in EFTA

- EEA agreement, 1994
- General principle: authorised third countries / third country establishments must comply with EU rules
- WTO/SPS agreement, 1995
- CH-EU bilateral agriculture agreement 2002
- From official controls towards private responsibility
  - Notification Point
  - Enquiry Point

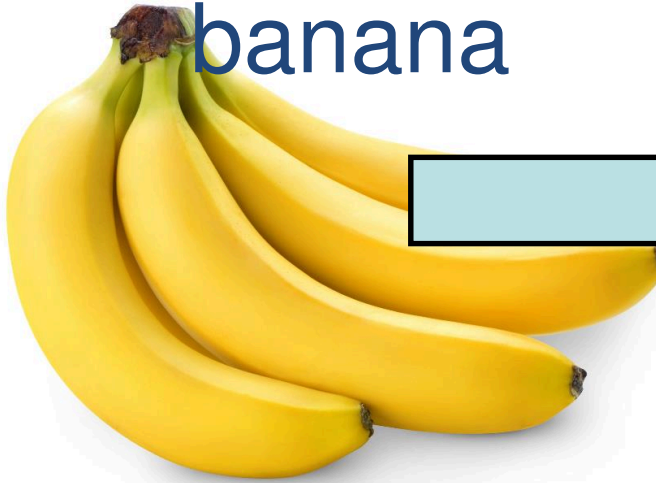


## An export oriented industry

- Cooperate with public sector in own country
- Cooperate with scientific institutions (provide information etc.)
- Comply with official requirements in the importing country
- Comply with the market requirements
  - health/hygiene
  - quality/consumer taste
  - private standards
- Int. standards (CODEX, OIE, IPPC) = "quality stamp"



# Practical case: banana



FOAG > Market > Information regarding the import of agricultural products

Market

### Information regarding the import of agricultural products

Import meat stock and meat market

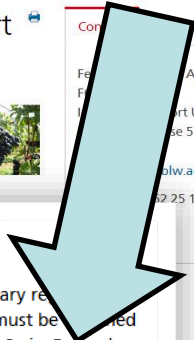
Agricultural Labelling Ordinance, ALO

### Information regarding the import of agricultural products

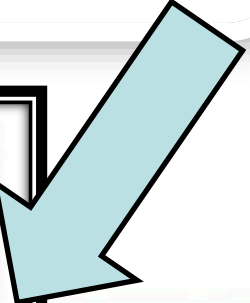


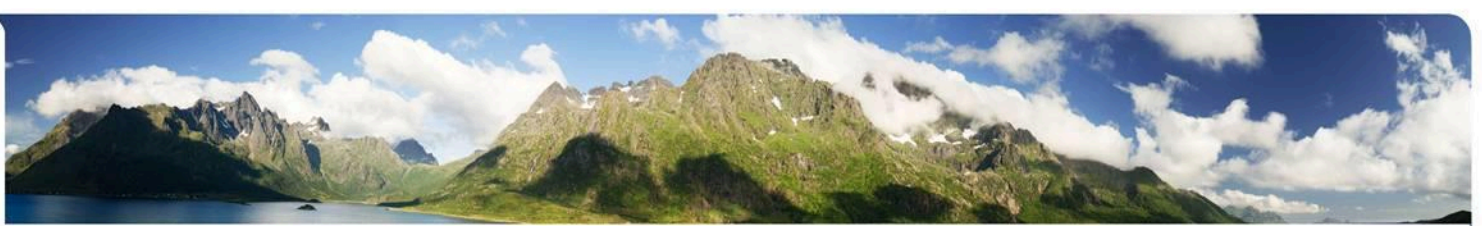
#### Intended for commercial use in Switzerland

Only registered enterprises may import goods that are subject to phytosanitary requirements (see [Fact Sheet no. 1](#)) from non-EU countries. As a rule a PC is required and must be issued by the exporter from the Phytosanitary Service in the country of origin. The Swiss Federal Plant Protection Service must be informed of expected consignments at the latest one day before importation. A list of customs posts at which phytosanitary checks are carried out are listed in the [Notification no. 1](#). A delayed phytosanitary check has to be expected for consignments that are not announced before the goods arrival. However, the provisions regarding plant species that fall under CITES will still apply. Information regarding the protection of endangered species may be obtained from the [Federal Veterinary Office](#).



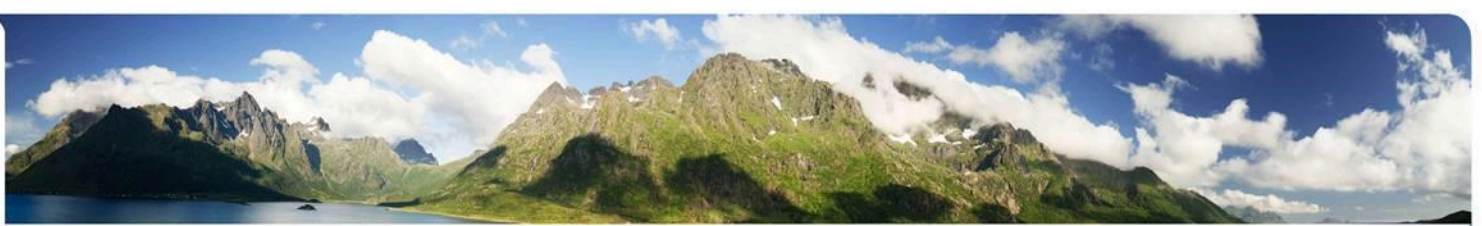
LETTRE DE VOITURE INTERNATIONALE		CMR	INTERNATIONAL CONSIGNMENT NOTE	
1	Sender (Name, Address, Country) / Expéditeur (Nom, Adresse, Pays)	1	2	Customs Reference/Status / Référence/désignation pour mise en douane
3	Consignee (Name, Address, Country) / Destinataire (Nom, Adresse, Pays)	3	5	Carrier (Name, Address, Country) / Transporteur (Nom, Adresse, Pays)
4	Consignee (Name, Address, Country) / Destinataire (Nom, Adresse, Pays)	4	6	Successive Carriers / Transporteurs successifs
6	Place & date of taking over goods / Lieu et date de la prise en charge des marchandises	6	7	





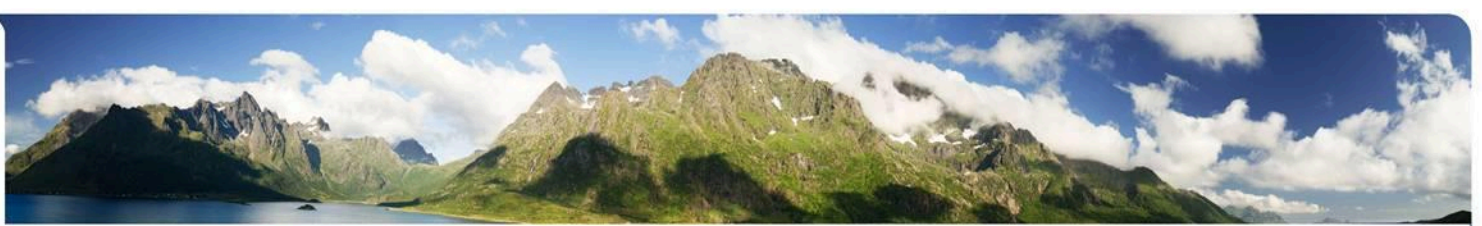
## Some further information

- The European Commission's food safety website:  
[https://ec.europa.eu/food/safety\\_en](https://ec.europa.eu/food/safety_en)
- The European Food Safety Authority website:  
<http://www.efsa.europa.eu/>
- The rapid alert system for food and feed website:  
[https://ec.europa.eu/food/safety/rasff\\_en](https://ec.europa.eu/food/safety/rasff_en)



# Technical barriers to trade (TBT)





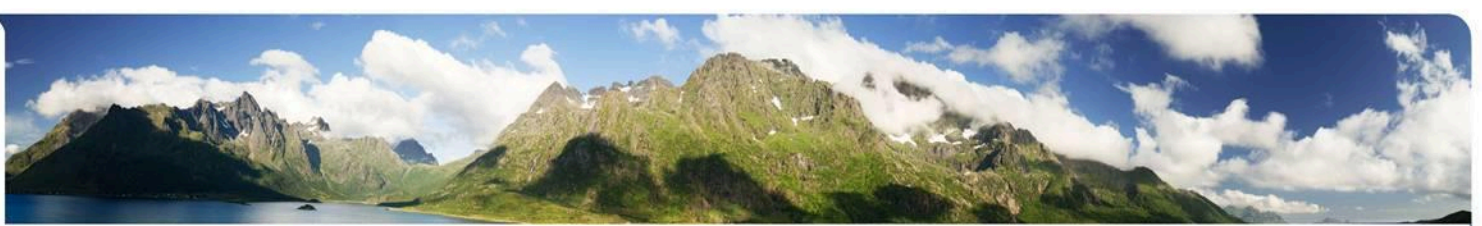
# Technical regulations and standards

Technical regulations and standards are dealing with :

- Product characteristics
- Process or production method
- Terminology
- Packaging
- Marking or labelling requirements

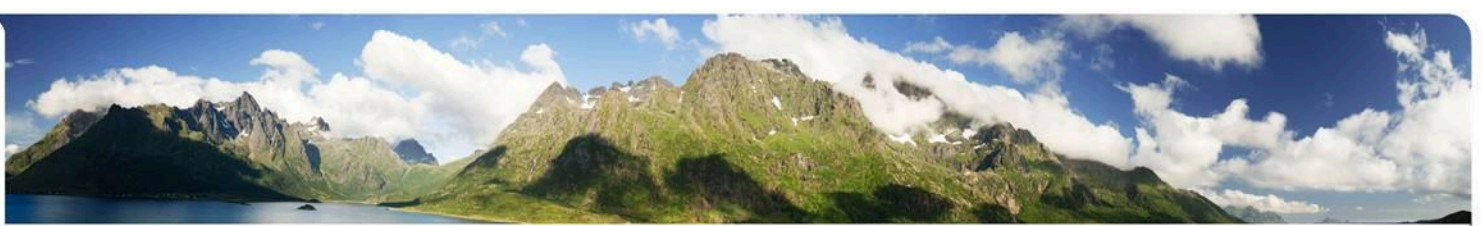
→ Technical regulations must be mandatory

→ Sometimes stricter market standards apply



# Principles of the WTO TBT Agreement

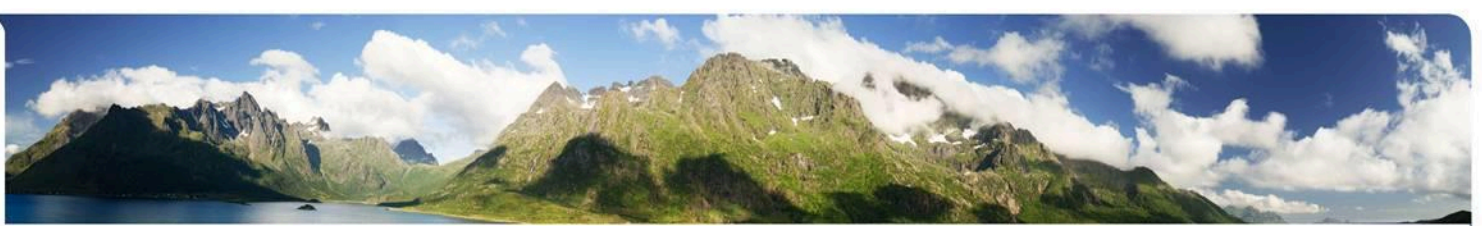
- Regulations and certification procedures shall not create unnecessary obstacles
- Adoption of appropriate standards for interests of overriding importance
- Applying of international standards
- No discrimination: between countries or between domestic and external products
- Recognition of conformity assessments procedures
- Notification of all new or changed regulations



# Technical regulation

Three elements that must be met in order to fall within the definition of “technical regulation” in the WTO Agreement:

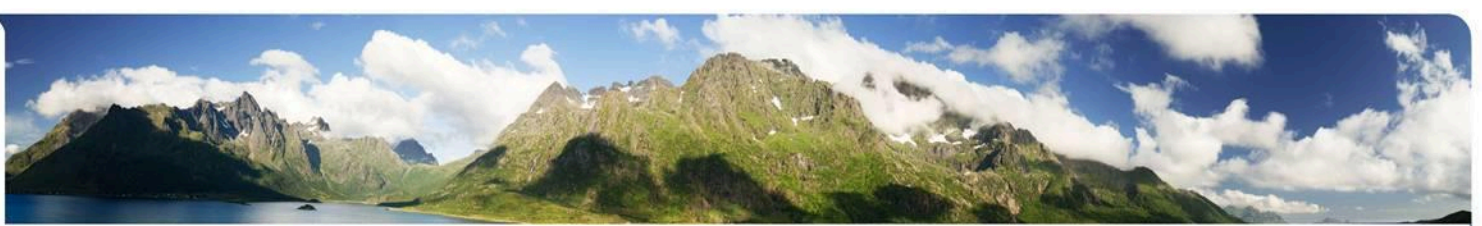
- Apply to an identifiable product or group of products
- Lay down one or more characteristics of the product
- Compliance with the product characteristics must be mandatory



# TBT in EFTA-Colombia FTA

Article 2.14 of the FTA:

- WTO TBT Agreement applies between the Parties
- Strengthen cooperation
- Exchange of contact points
- Possibility for consultation regarding
  - technical regulations
  - standards
  - conformity assessment

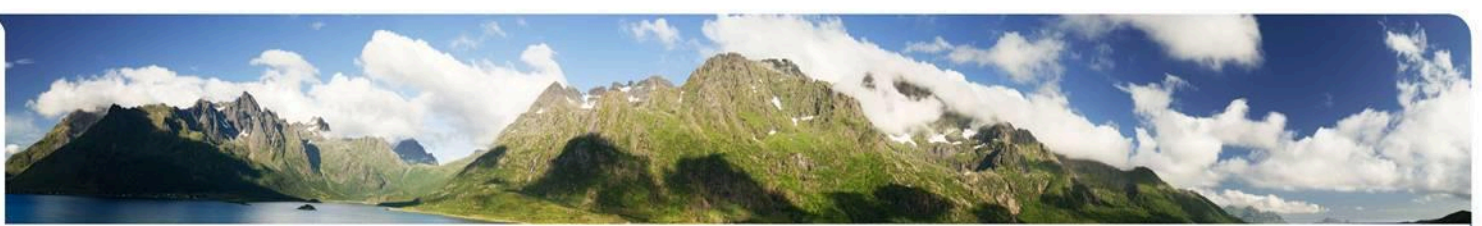


# CAP → MRA

(**conformity assessment procedures** ->  
**mutual recognition agreements**)

Bilateral recognition of a CAP → Mutual recognition agreement (MRA)

- EU – EEA MRA (Prot. 12 of the EEA agreement)
- EU – CH MRA (June 2002)

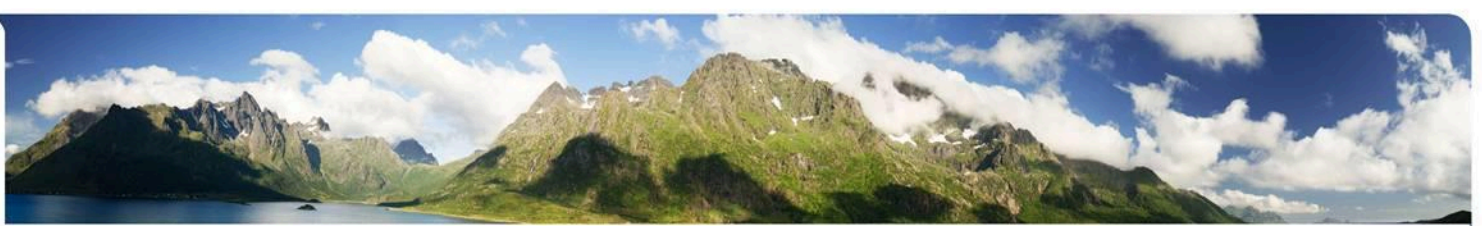


## Norway, Iceland and the EU

- Most Norwegian and Icelandic technical regulations and standards are the same as the EU
- Only few remaining substances where Norway has stricter provisions than the EU
- MRAs extend the EU Internal Market → the EEA/EFTA States may not conclude MRAs with countries outside the EU (unless already an agreement with the EU)

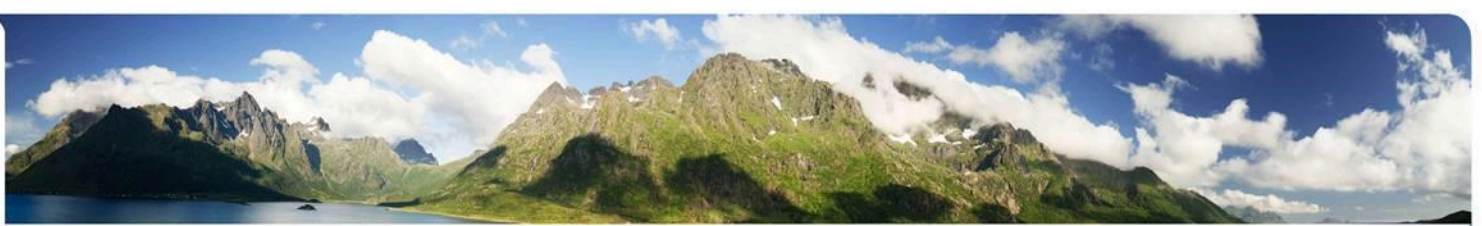
→ Further information:

<http://www.standard.no/> <http://www.stadlar.is>



# Switzerland / Liechtenstein

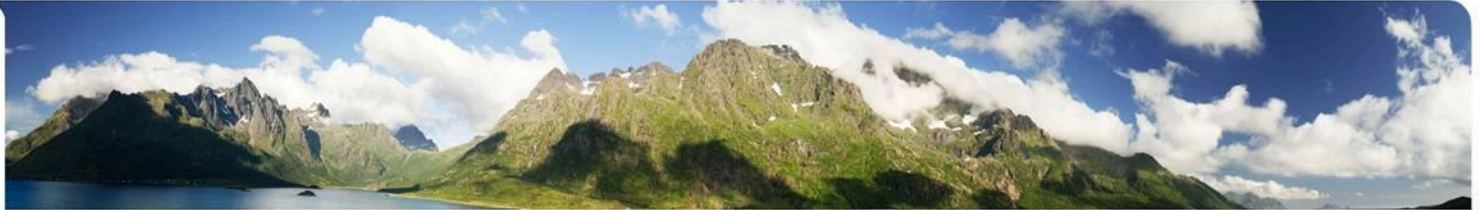
- MRA between EU and Switzerland
- Federal Law on Technical Barriers to Trade  
→ Article 4: technical legislation has to be drafted in such a way that it does not create trade barriers (exceptions for public health, safety environment)
- Liechtenstein for the most part applies Swiss technical regulations and standards deriving from its customs union with Switzerland.



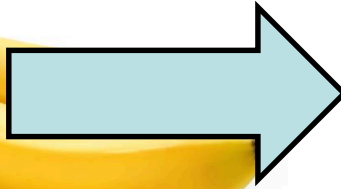
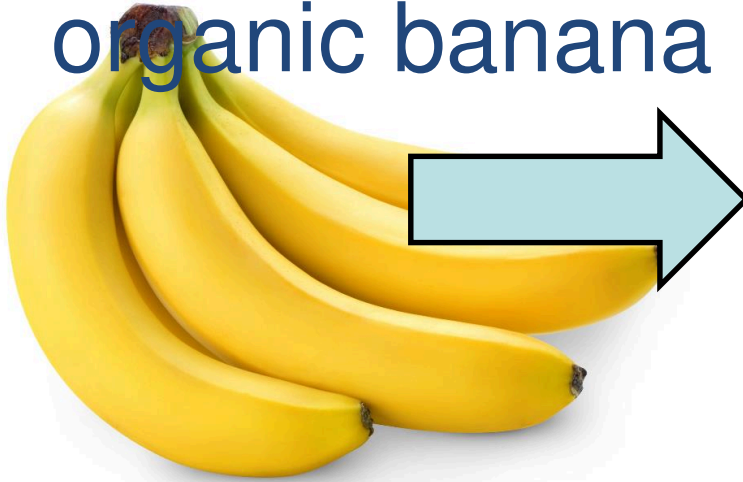
## Examples of TBT (CH)

- Organic farming:  
CH ordinance on organic farming → equivalent to EU legislation on organic farming
- Labelling for battery hen eggs:  
More stringent rule than EU legislation
- Labelling for Hormone beef:  
In contrary to EU no import ban, but labelling





# Practical case: organic banana



Schweizerische Eidgenossenschaft  
Confédération suisse  
Confederazione Svizzera  
Confederaziun svizra

**Federal Office for Agriculture FOAG**

The FOAG | Market | International | Sustainable Production | Instruments

FOAG > Instruments > kennzeichnung > Organic farming

< Instruments

**kennzeichnung**

Organic farming

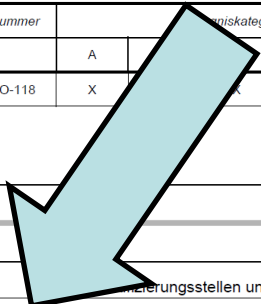
Agricultural Labelling Ordinance, **Organic farming** **Import of organic products** The legal basis for the import of organic products. The most recent version



- Bio Latina Certificadora (Biolatina)**
1. Adresse: Jr. Domingo Millán 852, Jesús María, Lima 11, Lima, Peru
  2. Internetadresse: [www.biolatina.com](http://www.biolatina.com)
  3. Länder, Codenummern und Erzeugniskategorien:

Land	Codenummer	Erzeugniskategorie		
		A	D	E
Bolivien	BO-BIO-118	X	-	-

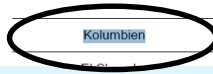
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Land	Codenummer	Erzeugniskategorie		
		A	D	E
<b>Kolumbien</b>	CO-BIO-118	X	-	X
Bolivien	BO-BIO-118	X	-	-



Schweizerische Eidgenossenschaft  
Confédération suisse  
Confederazione Svizzera  
Confederaziun svizra

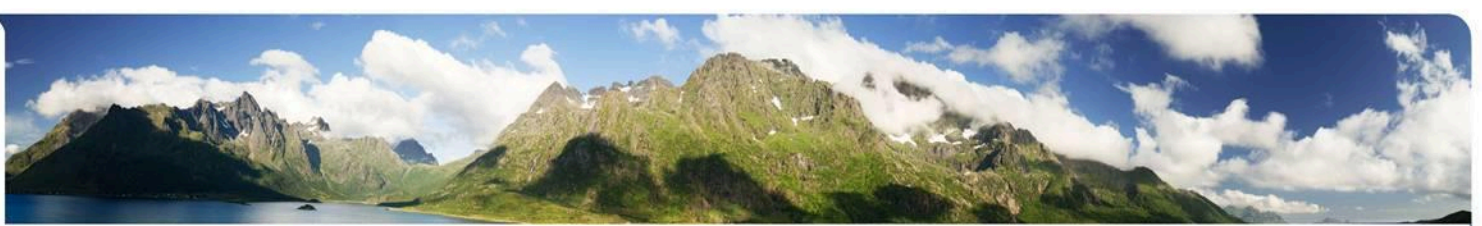
Federal Department of Economic Affairs,  
Education and Research EAER  
Federal Office for Agriculture FOAG  
Quality and Sales Promotion Unit

**SWISS CONFEDERATION**  
**CERTIFICATE OF INSPECTION FOR THE IMPORT OF PRODUCTS FROM ORGANIC FARMING**

1. Issuing Certification body or authority of the country of origin (name and address)

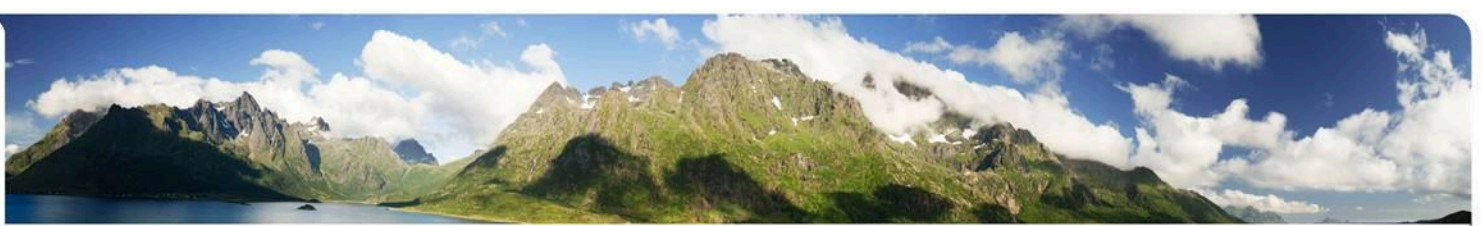
2. Import under:  
 Organic Farming Ordinance, Article 23a (individual certification bodies and inspection authorities)  
 Organic Farming Ordinance, Article 24 (individual authorities)





## Specific regulations CH-EU

- Machinery
  - Medical Devices
  - Gas appliances and boilers (Hot water boilers)
  - Building products
  - Electrical equipment
  - Measuring instruments and pre-packages
  - Motor Vehicles
  - Agricultural and forestry tractors
  - Medicinal products, Good Manufacturing Practice (GMP), inspection batch and certification
- etc.



## International Standardisation organisations

- [www.iso.org](http://www.iso.org)
- [www.IEC.ch](http://www.IEC.ch)
- [www.itu.int](http://www.itu.int)

## Corresponding European Standardisation organisations

- [www.cenorm.be](http://www.cenorm.be)
- [www.cenelec.org](http://www.cenelec.org)
- [www.etsi.org](http://www.etsi.org)