



18 March 2020

(20-2114)

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Committee on Sanitary and Phytosanitary Measures

Original: English

**IMPLEMENTATION AND ADMINISTRATION OF THE AGREEMENT ON SANITARY
AND PHYTOSANITARY MEASURES**

COMMUNICATION FROM THE UNITED KINGDOM

The following communication, received on 13 March 2020, is being circulated at the request of the United Kingdom.

The following information is being circulated to Members to address the ongoing implementation of the United Kingdom's obligations under the WTO Agreement on the Application of Sanitary and Phytosanitary (SPS) Measures during the transition period following the United Kingdom's withdrawal from the European Union.

1 EXISTING EUROPEAN UNION LAW

1.1. The United Kingdom ceased to be a member State of the European Union on 31 January 2020. The United Kingdom and the European Union have agreed a Withdrawal Agreement which provides for a time-limited transition period until 1 January 2021 during which European Union law, as implemented through the Withdrawal Agreement, will continue to apply to and in the United Kingdom. This means that the European Union SPS regime will continue to apply in the United Kingdom during the transition period and, following that, the United Kingdom will apply its own SPS regime. The United Kingdom Parliament has legislated to repeal the European Communities Act 1972 by means of the European Union (Withdrawal) Act 2018. This also preserves, and incorporates into domestic law, those elements of European Union law which will apply in the United Kingdom at the end of the transition period. The European Union (Withdrawal Agreement) Act 2020 in turn implements the Withdrawal Agreement, including by amending the European Union (Withdrawal) Act 2018 to reflect the terms of the Withdrawal Agreement. All UK legislation and technical regulations can be found at www.legislation.gov.uk.

2 UK SPS REGULATORY SYSTEM

2.1. The UK Government is responsible for matters pertaining to the SPS Agreement and international trade. However, powers to implement, regulate and assure food safety, animal and plant health including matters relating to import and export, have been devolved by the UK Parliament to the respective administrations in Scotland, Wales and Northern Ireland (collectively referred to as the Devolved Administrations).

2.2 The key government bodies responsible for implementing the United Kingdom's SPS controls are listed below:

Key Government Body	SPS responsibility
Department for Environment, Food and Rural Affairs (Defra) Website: https://www.gov.uk/government/organisations/department-for-environment-food-rural-affairs	Defra is the UK Central Competent Authority for animal health and welfare law in England and is responsible for policy and regulations on environmental, food and rural issues. SPS responsibility areas include; <ul style="list-style-type: none"> • Animal health (including dairy, feed and poultry) • Food safety (including additives, contaminants, food hygiene, food contact materials, labelling, pesticides) • Veterinary Medicines • Plant health (including wood packaging material, GMOs, pesticides) • Pesticides, chemicals and contaminants • Fish
Food Standards Agency (FSA) in England, Wales and Northern Ireland Website: https://www.food.gov.uk/	The Food Standards Agency (FSA) is responsible for food and feed safety in England, Wales and Northern Ireland.
Chemicals Regulation Directorate, Health and Safety Executive (HSE) Website: http://www.hse.gov.uk/crd/	The Chemicals Regulation Division (CRD) is responsible for the regulation of biocides, pesticides, detergents, chemicals covered by REACH, and for compliance with the Classification, Labelling and Packaging (CLP) Regulation.
Scottish Government Website: https://www.gov.scot/	The Scottish Government have devolved powers in relation to policies and laws for environment, agriculture and rural affairs.
Food Standards Scotland (FSS) Website: https://www.foodstandards.gov.scot/	Food Standards Scotland (FSS) has responsibilities in Scotland for food and feed safety and standards, nutrition, food labelling, and meat inspection policy and operational delivery.
Welsh Government Website: https://gov.wales/	The Welsh Government have devolved powers in relation to policies and laws for environment, agriculture and rural affairs.
Department of Agriculture, Environment and Rural Affairs (DAERA) in Northern Ireland Website: https://www.daera-ni.gov.uk/	DAERA has devolved powers in relation to policies and laws for environment, agriculture and rural affairs.

3 OVERALL RESPONSIBILITY FOR THE WTO SPS AGREEMENT

3.1. The Department for Environment, Food and Rural Affairs (Defra), together with the Food Standards Agency (FSA), is the United Kingdom government department responsible for international representation of the United Kingdom on matters pertaining to the WTO SPS Committee. Enquiries relating to the Agreement may be addressed to the United Kingdom SPS Enquiry Point and Notification Authority.

UK WTO SPS National Notification Authority and Enquiry Point
WTO Policy Team
EU and International Trade Directorate
Department for Environment, Food and Rural Affairs
Area 3E
17 Smith Square
London
United Kingdom
SW1P 3JR
Email: uksps@defra.gov.uk

4 NOTIFICATION OF DRAFT MEASURES AND PARTICIPATION IN COMMITTEE

4.1. The United Kingdom is strongly committed to a free and fair trading regime, underpinned by an inclusive multilateral rules-based system. Upholding WTO obligations is of paramount importance and will be achieved by being fully transparent and accountable, including as follows:

- *Notifying and publishing proposed SPS measures in accordance with the obligations of the WTO SPS Agreement:* The United Kingdom will provide draft texts for notified measures coming into force after the transition period and beyond and a period of 60 days will generally be allowed for comments. The United Kingdom SPS Enquiry Point will endeavour to respond to reasonable requests from Members in a timely fashion. Finalized legislation will be notified to the WTO and published on the official homepage of United Kingdom legislation - www.legislation.gov.uk/. As outlined in Section 3, the Department for Environment, Food and Rural Affairs acts as the SPS notification authority for the United Kingdom.
- *Actively participating in the Committee on Sanitary and Phytosanitary Measures:* The United Kingdom is committed to open and productive engagement with Members, both with respect to measures affecting trade and on issues relating to the implementation and administration of the Agreement.
- *Development and technical assistance:* The United Kingdom is committed to helping developing countries transform their economies, unlock growth, and reduce poverty through trading opportunities. The United Kingdom is continuously seeking opportunities to increase the capability of developing countries to meet standards and regulations for trade, promote international standards, and encourage greater regulatory cooperation. This is underpinned by a commitment to spend 0.7% of the national income on overseas aid. The Department for International Development and the Department for International Trade's joint Trade for Development team serves as a co-ordination point for the United Kingdom's Aid for Trade portfolio, which helps developing countries to break down barriers to trade and take better advantage of trading opportunities. For example, the United Kingdom is contributing £2.5 million to the Standards and Trade Development Facility, which helps developing countries meet international agricultural standards¹, enabling them to export more produce. Together with international partners, we are helping farmers and traders, especially in the poorest countries, to increase their incomes, boost economic development and lift themselves out of poverty.

¹ STDF's capacity building programmes focus on Sanitary and Phytosanitary (SPS) standards.