

New Zealand and EU approaches to trade in sanitary and phytosanitary matters

New Zealand seeks an outcome on sanitary and phytosanitary (SPS) matters that preserves and enhances the effective functioning of the existing agreement between the European Community and New Zealand on sanitary measures applicable to trade in live animals and animal products (the European Union-New Zealand Veterinary Agreement).

Within the context noted above, New Zealand and the EU have agreed to seek a high quality, meaningful outcome on SPS matters in the EU-NZ FTA. New Zealand and the EU agreed during initial scoping discussions that an agreement must aim to protect human, animal and plant life and health while facilitating access to each other's markets¹. Both parties recognise there will be challenges in some areas but jointly prioritise the importance of providing continued certainty to New Zealand and EU industries and consumers in terms of trade in SPS commodities.

The SPS chapter should contain the following key obligations:

- affirmation of the rights and obligations under the World Trade Organization (WTO) SPS Agreement
- provisions that may enhance the implementation of the WTO SPS Agreement e.g. equivalence and regionalisation provisions
- provisions that provide for the adoption of international standards
- measures being consistent with international standards or being based on a risk analysis
- a framework for transparency, communication and cooperation.

More generally, New Zealand and the EU support rules to ensure that their respective domestic regulatory environments are transparent and predictable for importers and exporters, including small and medium-sized enterprises.

Transparency is a core component of both New Zealand's and the EU's regulatory approaches. This includes accurate and timely dissemination of information to importers and exporters, ensuring equal opportunities to comment on proposed measures, and committing, where applicable, to reasonable timeframes for implementation of measures to enable businesses time to adjust. New Zealand and the EU also share similar views on the need to address anti-microbial resistance (AMR). New Zealand seeks an outcome in this area that provides for cooperation and technical exchanges.

¹ The SPS Agreement and other WTO obligations require that any measure should: (1) be based on science, (2) be the least trade-restrictive measure in light of the risks posed, and (3) not discriminate against imports or domestic products with a similar risk profile. Provisional measures under Article 5.7 of the SPS Agreement can be used in situations where scientific information is insufficient, but the measures must be based on available pertinent information and must be reviewed within a reasonable time.