



# **SPS AGREEMENT INDIA'S LEGAL AND INSTITUTIONAL CAPACITY**



सत्यमेव जयते

# INSTITUTIONAL SETUP AND LEGAL FRAMEWORK

## Ministry of Commerce - Press Release dated 01 Jun 2005

The Ministry of Commerce & Industry (Department of Commerce) is in the process of finalising three Enquiry Point relating to Sanitary & Phyto-Sanitary (SPS) measures which will handle all queries or comments on SPS notification/regulations issued by other member countries of the World Trade Organisation (WTO).

**The three enquiry points will be: (1) Department of Agriculture and Cooperation for plant protection; (2) Ministry of Health for food safety; and (3) Department of Animal Husbandry and Dairying for animal health products.**

Presently, there is only one SPS-related Enquiry Point – **Department of Agriculture and Cooperation**. All the relevant Ministries/departments/Regulatory Bodies and trade bodies have also been requested to coordinate with Department of Commerce more regularly so as to adequately address any discrimination faced by Indian goods in their export markets and put in place an effective system to combat such discrimination – through bilateral or multilateral modes.

[http://commerce.nic.in/pressrelease/pressrelease\\_detail.asp?id=1470](http://commerce.nic.in/pressrelease/pressrelease_detail.asp?id=1470)

# INDIAN LEGAL FRAMEWORK

## 1) The Prevention of Food Adulteration Act, 1954

<http://www.fssai.gov.in/Regulations/PreventionofFoodAdulterationAct1954.aspx>

### 1.A Fruit Products Order (FPO), 1955

<http://fssai.gov.in/Regulations/FruitProductOrderFPO1955.aspx>

### 1.B Meat Food Products Order (MFPO) DIVISION, 1973

<http://fssai.gov.in/Regulations/MeatFoodProductsOrderMFPO1973.aspx>

### 1.C Edible Oils Packaging, 1998

<http://www.fssai.gov.in/Regulations/EdibleOilsPackaging1998.aspx>

### 1.D Vegetable Oil Product Order, 1980

<http://fssai.gov.in/Regulations/VegetableOilProductOrder1998.aspx>

### 1.E Milk and Milk Product Amendment Regulations, 2009

<http://www.fssai.gov.in/Regulations/MilkandMilkProductRegulationsMMPR2009.aspx>

## 2 Destructive Insects and Pest Act- 1914

### Plant Quarantine (Regulation of Import in to India) Order, 2003

<http://plantquarantineindia.nic.in/PQISPub/html/cannottake.htm>

## 3 Livestock Importation Act, 1898

<http://www.dahd.nic.in/dahd/default.aspx>

# LACK OF CAPACITY

**Non-participation and non-representation in international standard setting bodies – Ex. *spices lacking an International standard.***

**Plethora of standard setting bodies at the national and sub-national levels & lack of role clarity leaving scope for ambiguity in traceability, risk assessment etc.**

**Absence of a national notification system by a common enquiry point – Any notification takes a long time.**

**Lack of harmonisation in procedure, mechanism of Indian standards with international standards**

**A general lack of awareness within industry- The very high prevalence of unorganised/tiny sector share.**

**Lack of participation in CODEX, OIE, and IPPC activities and an effort to form regional standard or influence the international standard setting process.**

# CAPACITY BUILDING

**Increasing awareness with constant interaction with academician, Trade and Industry and Ministry Officials from institutions involved in standards setting.**

Special importance to be given to building common enquiry point, transparency and technical assistance.

Awareness programmes on understanding of SPS agreement, incorporation of special measures in RTAs.

Build capacity to generate regional exposure data for chemicals, pesticide residues, mycotoxins, heavy metals, veterinary drug residues, and microbiological risk etc.

Increasing the awareness on WTO Systemic Issues (Transparency Clauses -Annex B of SPS Agreement) across the membership – one simple issue could be encouraging countries to provide the broad trade link in the form of HS code.

# PREPARED BY

**Dr. Vijaya Katti,**

[vijaykatti@iift.ac.in](mailto:vijaykatti@iift.ac.in)

**Dr. Murali Kallummal,**

[muralikallummal@gmail.com](mailto:muralikallummal@gmail.com)

**Dr. J.P. Singh**

[J.P.singh@nic.in](mailto:J.P.singh@nic.in)

**Mr. Sanjay Kumar**

[us5tpd-doc@nic.in](mailto:us5tpd-doc@nic.in)

**A.K. Jain**

[dirbis-ca@nic.in](mailto:dirbis-ca@nic.in)