

## THE PROPOSED TTIP FOOD SAFETY CHAPTER



### WHY DOES IT MATTER TO CONSUMERS?

International trade in food stuffs – be it raw materials or processed food stuffs – not only affects the domestic food supply, but also affects domestic food and agricultural policy and regulation. An increasing number of national food production processes are influenced through international actors, corporations and standards. New trade agreements such as the Transatlantic Trade and Investment Partnership (TTIP) aim to go beyond mere tariffs reductions and the World Trade Organization rules on sanitary and phytosanitary measures (SPS) and negotiate a so-called “WTO SPS plus” agreement.

In putting regulatory harmonization at the center of trade negotiations in the food sector, new challenges arise from a consumer perspective. They relate to the precise design of food safety controls, the management of risk assessment and how consumer protection standards will be operationally maintained and improved, if the TTIP becomes binding international law.

### FACTS<sup>1</sup>

- ✚ **Definitions need to match responsibilities:** In the definition of responsible agencies that oversee the implementation of the chapter on sanitary and phytosanitary measures (SPS chapter) the relevant competent authorities responsible for SPS dossiers—and not trade representatives—must be tasked with overseeing the implementation of the SPS chapter.
- ✚ **What is agreed needs to be adequately financed:** The implementation and enforcement of food safety, plant health, and animal health and welfare measures must be ensured through adequate financing of the provisions agreed in the SPS chapter. If necessary, noncompliance with the SPS chapter’s financing mandate, such as the compliance of exported foodstuffs with the other parties’ legal requirements, must be enforced through state-to-state-dispute settlement.
- ✚ **The use of scientific data in risk assessment to ensure safe food:** The assessment of risks from specific production or planting techniques is at the very core of a determining whether or not specific food products and their agricultural inputs, such as veterinary drug residues,

<sup>1</sup> A more detailed analysis is available in our [Resolution on the proposed chapter on Sanitary and Phytosanitary Measures in the Transatlantic Trade and Investment Partnership \(TTIP\) Agreement](#)

are safe for consumers. Therefore, the scientific basis of risk assessment must build upon data and studies that are publicly available, e.g. no unpublished studies by the commercial applicant should be considered as evidence. TTIP's scientific data requirements for risk assessment must not allow Confidential Business Information claims to withhold data affecting public and environmental health from independent scientific peer review. TTIP must not allow risk assessment determinations to dictate risk management decisions, but ensure that risk managers take into account other legitimate factors, such as economic, social, ethical factors, in making those decisions.

- ✚ ***No biotechnology through the backdoor:*** Trade in modern biotechnology does not have a place inside the TTIP agreement – be it within the SPS chapter or within the chapter dealing with questions of market access, as has been agreed in the Trans-Pacific Partnership Agreement. This is particularly important as new and partly unauthorized products of biotechnology are developed and come on the transatlantic markets. The inclusion of biotechnology in a trade agreement would create further opportunities to circumvent the regulatory application of the precautionary principle on which legislation regarding genetically modified organisms is grounded in the EU and some US-states. For example, harmonizing risk assessment practices with routine granting of CBI claims could commercialize GMOs engineered to resist pesticides for which there is laboratory animal and human evidence that present hazards to normal hormonal development (endocrine disruptors). A risk management decision to not wait for evidence of widespread abnormal human hormonal development before deciding not to allow a human tolerance for endocrine disrupting pesticides is a sample regulatory application of the precautionary principle.
- ✚ ***Overlapping layers of food safety inspections are not a “barrier to trade”:*** Inspection and testing of foodstuffs along the supply chain verify importing country requirements and aim to provide an adequate level of consumer protection. The SPS chapter needs to ensure that regular and unannounced audits and import checks are still possible for imported foodstuffs in order to ensure food safety. Clear and transparent rules must clarify which foodstuffs are granted less inspection intense access to the other parties' market (“pre-clearance” programs) and which high-risk products (such as meat and seafood) are explicitly exempted from pre-clearance eligibility.
- ✚ ***Strengthening animal welfare in the EU and the US:*** Animal welfare legislation in the EU and the US must be strengthened and a “race to the bottom” in animal welfare issues must be prevented, both for ethical reasons and because animal abuse results often in unsafe food products derived from the abused animals. The path for future legislative reforms should remain open under TTIP and further intensification of animal farming – which often is connected with low animal welfare standards – should be avoided. Therefore, the European Union and the United States need to agree on binding protections in animal welfare regulations on both sides of the Atlantic.