

TTIP and Transatlantic Cooperation on Technological Regulation: Between Technological Assessment and Emotion



Blue-news.org, lizenziert gemäß CC BY-SA 2.0



Ian Britton, lizenziert gemäß CC BY-NC 2.0

- (1) How is TA addressed in food regulation?
- (2) Concepts to regulate food
- (3) Opportunities: Solutions for diverging assessment concepts

Rules for regulation of WTO:

→ TA to avoid unjustified trade distortion

Agreement of Sanitary and Phytosanitary Measures (SPS)

(1) National sovereignty of safety level (Art. 2)

but...

(2) Science-based (Art. 3 und 5) = TA

= international reference standards (CAC, IPPC, OIE) recommended or

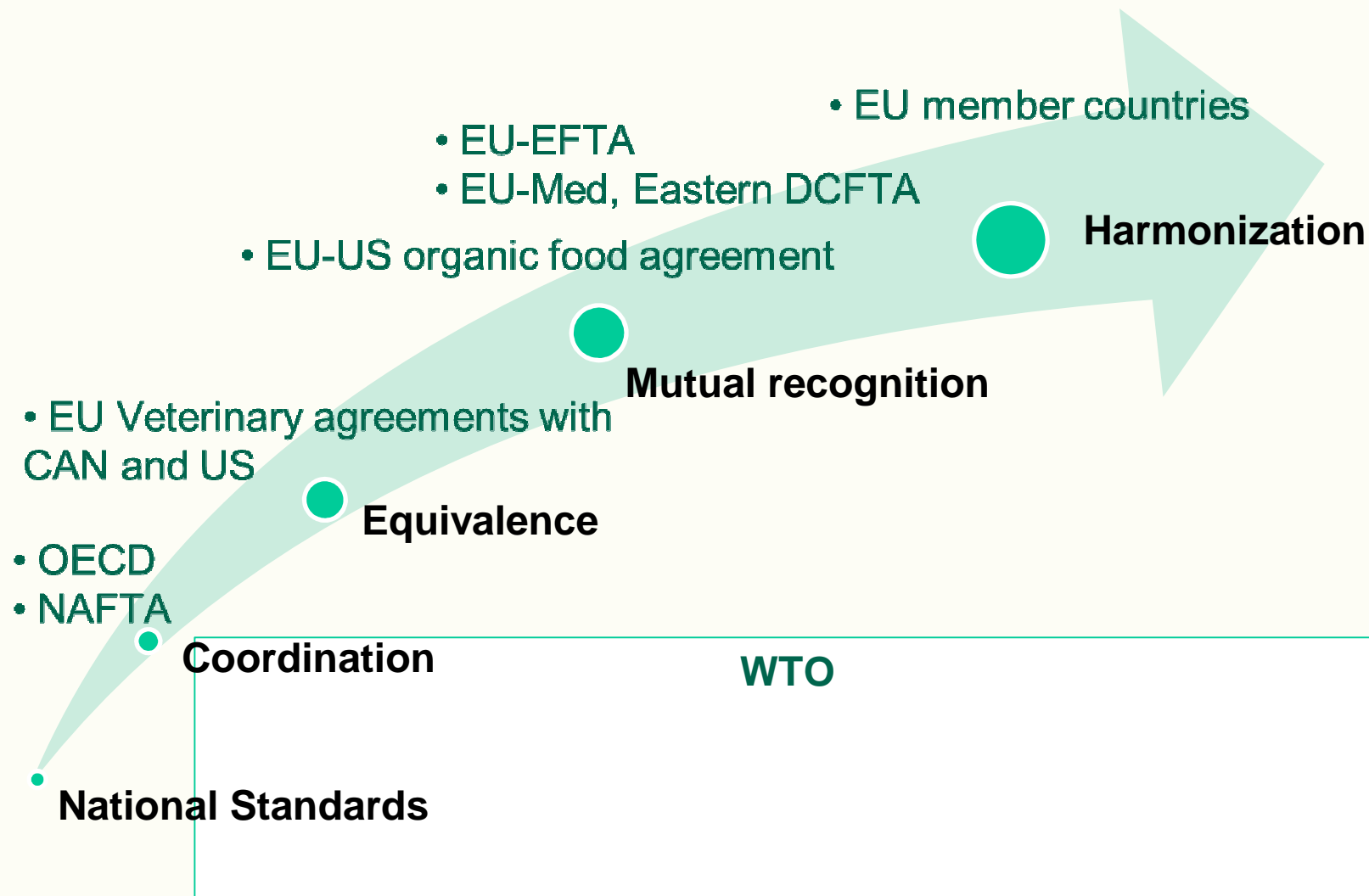
= stricter standards to be justified by risk assessment (Art. 5)

- **Temporary exception:** limited precautionary principles if no scientific evidence (5.7)
- **Consider economic factors: not purely scientific assessment!**

(3) Implementing measure: Harmonization (Art. 3), Equivalence, Mutual Recognition (Art. 4)

- Use standards of assessment or
- Accept bilaterally each others standards
 - Equivalence: proof at exporter, limited list of acceptance (positive or negative lists)
 - MR: proof of importer (whole regulatory and TA system accepted)

Modes of regulatory cooperation in bilateral EU Agreements



EU-US regulatory differences (selection)

- ❑ **Guiding principles: Precaution vs after-caring**
 - EU: duty to protect if company fails in proofing **harmlessness**
 - US: protection only if authority can proof **harmfulness**
- ❑ **Contact point: Procedures vs final product**
 - EU: farm to fork requires food chain's approaches („chlorine chicken“)
 - US: effective end point controls
- ❑ **Decision making: Politics vs risk-based**
 - EU: political level (EP, Commission, Council) often votes against scientific assessments (EFSA) (GMO, Chlorine chicken) → Emotion?
 - US: more coherence between scientific assessment and political level → Assessment?

EU-US regulatory differences (selection)

und Politik

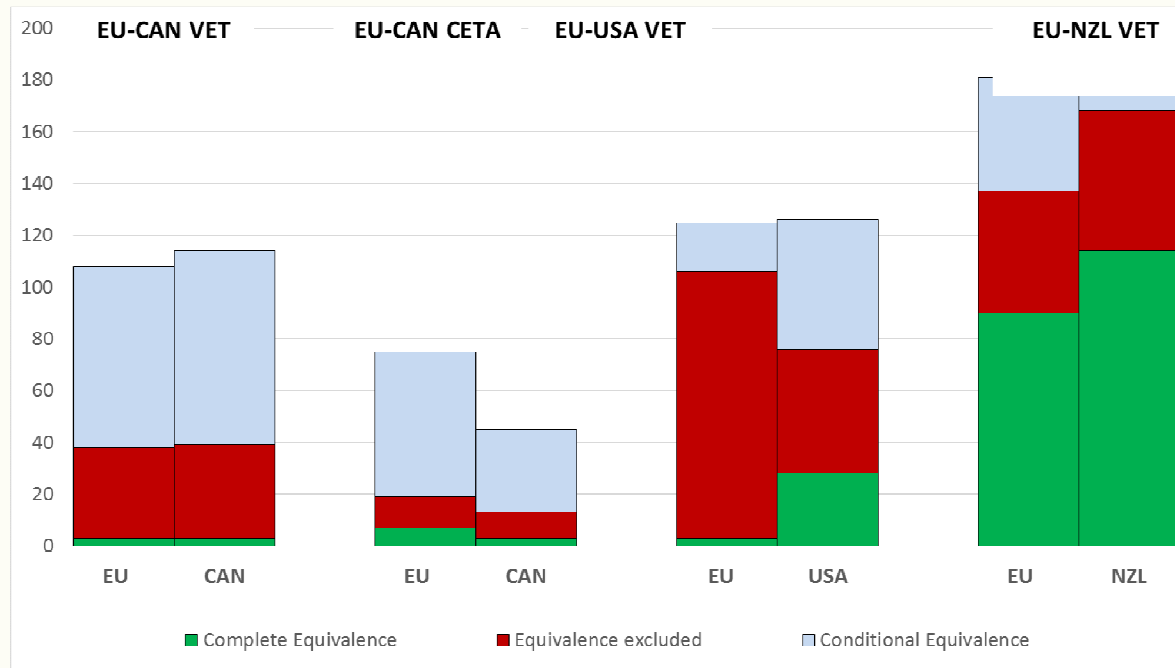
	EU	USA	WTO-Case
Principles on risk tolerance			
▶ For meat			
_ Decontamination ... with chlorine	⊘	√	Still no decision
_ Use of performance enhancers	⊘	√	EU convicted
_ Use of antibiotics			
... as performance enhancers	⊘	√	
... veterinary use in organic farming	√	⊘	
Procedural Rules			
▶ For genetically modified food			
_ public license registry	√	Non-existent	
▶ For animal and plant epidemics			
_ regionalization approach	Region often differentiated	Region often only state	

⊘ Banned
√ Permitted

Source: Rudloff (2014)

Solutions for transatlantic cooperation

Flexible scope for Harmonization, Equivalence, Mutual recognition



Source: Rudloff (2014)

Cooperation fora

- SPS body, Regulatory Cooperation Council

„Exchange“ own standards: keep GMO-free in EU, keep raw milk-free in US