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**An Analysis on the relationship between
sanitary and phytosanitary import
procedures under the SPS Agreement of the
WTO and the Advanced Informed
Agreement procedures of the Biosafety
Protocol**

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Abstract

The impact of genetically modified crops on food supply security and on the environment has been an on-going debate. From the viewpoint of biodiversity conservation, the Biosafety Protocol provides procedural-based rules to regulate the first transboundary movement of living modified organisms (LMOs) through a set of advanced informed agreement (AIA) procedures. On the other hand, the Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement) of the World Trade Organisation (WTO) authorizes its Member to promulgate sanitary and phytosanitary measures to protect the domestic environment. The compatibility of these two sets of import control procedures hinges on the relationship between international environmental agreement and the WTO. The level of import control is also related to how a government plans to balance the interests of protecting its domestic environment and promoting the development of biotechnology. All these issues are highly controversial and attracted keen debate amongst scholars and practitioners. This paper will focus on

the procedural design of these two sets of import control system and seek to avoid potential conflict between these two regimes by proposing a set of procedures that can meet the requirements under these two regimes. Meanwhile, the Biosafety Protocol authorizes Parties to conclude bilateral, regional or multilateral agreements with non-Parties concerning the transboundary movement of LMOs. Taiwan is not a Party to the Protocol. This paper, thus, will discuss possible strategies Taiwan may adopt when facing such negotiation.

Keywords: living modified organisms, World Trade Organisation, Agreement on the Application of Sanitary and Phytosanitary Measures, Cartagena Protocol on Biosafety, import procedures of genetically modified crops