

TEMPORARY OR CONDITIONAL SANITARY AND PHYTOSANITARY MEASURES APPLIED BY WTO MEMBER COUNTRIES

In the paper scientific and legal bases and conditions of the application of sanitary and phytosanitary measures, obligation for the justification of such measures and its features, use of relevant scientific evidences, as well as the “precautionary principle” and risk assessment issues discussed in detail in respect of their role in regulatory process in the frame of SPS Agreement, results of litigation process and court decisions on implementation of SPS requirements are considered and analogical-deductive parsing are carried out. It’s unquestionably accepted that precaution is one of the crucial points of risk assessment, especially in respect of health and environmental protection issues. That is why determination of the allowed extends of precautionary measures by the SPS Agreement was one of the targets of the current Article. In the Article, certain requirement of the Clauses 2.2, 5.1, 5.7, as well as the Annex “A” of the SPS Agreement and its 4th paragraph is considered, WTO Member States activities and argumentations in respect to their obligations under the SPS Agreement are studied.

Key words: WTO, WTO’s panel, member states, SPS Agreement, sanitary and phytosanitary measures, “precautionary principle”, case, scientific basis, scientific evidence, necessary information, risk, risk assessment, specific feature, Appellate body, international public law, law on international tradition, international trade, preventive measure, producer, importer, exporter, foodstuff, health, quality, standard.

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