

**Committee on Sanitary and Phytosanitary Measures**

**RECOMMENDED NOTIFICATION PROCEDURES**

At its meeting of 29-30 March 1995, the Committee agreed on the following recommended notification procedures, subject to clarification of paragraph 2 with regard to the assessment of "significant effect on trade of other Members" and to consideration of a separate format for the notification of emergency actions under Paragraph 6 of Annex B of the Agreement.

The agreed format for notifications is annexed.

1. **Format and Guidelines:**

Recommendation:

Information contained in the notification form should be as complete as possible and no section should be left blank. Where necessary, "not known" or "not stated" should be indicated.

<u>Item</u>	<u>Description</u>
(i) Member notifying	Government, including the competent authorities of the European Economic Community, which is making the notification.
(ii) Agency responsible	Body elaborating a proposal for or promulgating a technical regulation or certification system.
(iii) Products covered	HS or CCCN (chapter or heading and number) where applicable. National tariff heading if different from HS or CCCN. ICS numbers may be provided in addition, where applicable. A clear description is important for an understanding of the notification by delegations and translators. Abbreviations should be avoided.
(iv) Title and number of pages of the notified document	Title of the proposed or adopted technical regulation or certification system. Number of pages in the notified document.
(v) Description of content	An abstract of the proposed or adopted technical regulation or rules of certification system

clearly indicating its content. A clear description is important for an understanding of the notification by delegations and translators. Abbreviations should be avoided.

(vi) Objective and rationale

For instance: food safety, animal health, plant protection, etc.

(vii) Existence of international standard

(viii) Relevant documents

(1) Publication where notice appears, including date and reference number;  
(2) Proposal and basic document (with specific reference number or other identification) to which proposal refers;  
(3) Publication in which proposal will appear when adopted;  
(4) Whenever practicable, give reference to relevant international standard. If it is necessary to charge for documents supplied, this fact should be indicated.

(ix) Proposed dates of adoption and entry into force

The date when the technical regulation or certification system is expected to be adopted, and the date from which the requirements in the technical regulation or certification system are proposed or decided to enter into force.

(x) Final date for comments

The date by which Members may submit comments in accordance with Annex B, Paragraph 5(b) of the SPS Agreement. A specific date should be indicated. A normal time limit for comments on notifications of sixty days has been recommended. A Member may, if necessary, however, indicate in its notification that it will proceed to implement the proposed measure after forty-five days if no comments or requests for extension of the time limit have been received from other Members within that time. Any Member which is able to provide a time limit beyond sixty days is encouraged to do so.

(xi) Texts available from

If available from national enquiry point, put a cross in the box provided. If available from another body, give its address, telex and telefax number. Such indications should not in any way discharge the relevant enquiry point of its responsibilities under the provisions of Annex B, Paragraphs 3 and 4 of the SPS Agreement.

2. **Application of Annex B, Paragraph 5 (Preambular Part) of the SPS Agreement:**

Recommendation:

For the purposes of Annex B, Paragraph 5 in the SPS Agreement, the concept of "significant effect on trade of other Members" may refer to the effect on trade:

- of one technical regulation only or of various technical regulations in combination,
- in a specific product, group of products or products in general, and
- between two or more Members (countries).

When assessing the significance of the effect on trade of technical regulations, the Member concerned should take into consideration such elements as the value or other importance of imports in respect of the importing and/or exporting Members concerned, whether from other Members individually or collectively, the potential growth of such imports, and difficulties for producers in other Members to comply with the proposed technical regulations. The concept of a significant effect on trade of other Members should include both import-enhancing and import-reducing effects on the trade of other Members, as long as such effects are significant.

3. **Translation of documents relating to notifications and address of body supplying the documents:**

Recommendation:

When a Member seeks a copy of a document relating to a notification which does not exist in that Member's WTO working language, it will be advised, on request, by the notifying Member of other Members that have requested, as of that date, a copy of the document. The Member seeking a copy of a document relating to a notification may then contact such other Members in order to determine whether the latter are prepared to share, on mutually agreed terms, any translation that they have or will be making into relevant WTO working language(s).

- (a) When a translation of a relevant document exists or is planned, this fact shall be indicated on the WTO notification form next to the title of the document. If only a translated summary exists, the fact that such a summary is available shall be similarly indicated;
- (b) Upon receipt of a request for documents, any translated summaries that exist in the language of the requestor or, as the case may be, in a WTO working language, shall be automatically sent with the original of the documents requested;
- (c) Members shall indicate under point 11 of the WTO notification form the exact address of the body responsible for supplying the relevant documents if that body is not the enquiry point.

4. **Processing of requests for documentation:**

Recommendations:

- (a) requests for documentation should contain all the elements permitting the identification of the documents and in particular, the WTO notification number to which the requests refer. The same information should appear on the documents supplied in response to such requests;
- (b) any request for documentation should be processed if possible within five working days. If a delay in supplying the documentation requested is foreseen, this should be acknowledged to the requestor.

5. **Handling of comments on notifications**

Recommendations:

- (a) each Member should notify the WTO Secretariat of the authority or agency (e.g. its enquiry point) which it has designated to be in charge for handling of comments received, and
- (b) a Member receiving comments through the designated body should without further request
  - (i) acknowledge the receipt of such comments,
  - (ii) explain within a reasonable time to any Member from which it has received comments, how it will proceed in order to take these comments into account and, where appropriate, provide additional relevant information on the proposed technical regulations or rules of certification systems concerned, and
  - (iii) provide to any Member from which it has received comments, a copy of the corresponding technical regulations or rules of certification systems as adopted or information that no corresponding technical regulations or rules of certification system will be adopted for the time being.

# WORLD TRADE ORGANIZATION

**RESTRICTED**

**G/SPS/N/COUNTRY**

30 January 1995

(95-0000)

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## Committee on Sanitary and Phytosanitary Measures

### NOTIFICATION

1.	<b>Member to Agreement notifying: If applicable, name of local government involved:</b>
2.	<b>Agency responsible:</b>
3.	<b>Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable):</b>
4.	<b>Title and number of pages of the notified document:</b>
5.	<b>Description of content:</b>
6.	<b>Objective and rationale:</b>
7.	<b>An international standard, guideline or recommendation does not exist [ ]. If an international standard, guideline or recommendation exists, whenever possible, identify deviations:</b>
8.	<b>Relevant documents:</b>
9.	<b>Proposed date of adoption and entry into force:</b>
10.	<b>Final date for comments:</b>
11.	<b>Texts available from: National enquiry point [ ] or address and telefax number of other body:</b>