

Committee on Sanitary and Phytosanitary Measures

RECOMMENDED NOTIFICATION PROCEDURES

At its meeting of 26-27 June 1995, the Committee agreed on some modifications to the recommended notification procedures with regard to paragraph 5 of Annex B of the Agreement.

Revisions to the format for notifications (annexed) and a separate format for notification of emergency action (G/SPS/4) were also agreed.

A. **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>
1. Member notifying	Government, including the competent authorities of the European Community, which is making the notification.
2. Agency responsible	Body elaborating a proposal for or promulgating a sanitary or phytosanitary regulation.
3. Products covered	Tariff item number(s) (normally HS, chapter or heading and number) as contained in national schedules deposited with the WTO. 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.
4. Title and number of pages of the notified document	Title of the proposed or adopted sanitary or phytosanitary regulation. Number of pages in the notified document.
5. Description of content	An abstract of the proposed or adopted sanitary or phytosanitary regulation clearly indicating its content. A clear description is important for an

- understanding of the notification by delegations and translators. Abbreviations should be avoided.
6. Objective and rationale
For instance: food safety, animal health, plant protection, etc.
 7. Existence of international standard
If a relevant international standard exists, put a cross in the box provided, and briefly describe how the proposed regulation deviates from such international standard.
 8. Relevant documents
 - (a) Publication where notice appears, including date and reference number;
 - (b) Proposal and basic document (with specific reference number or other identification) to which proposal refers;
 - (c) Publication in which proposal will appear when adopted;
 - (d) Whenever practicable, give reference to relevant international standard. If it is necessary to charge for documents supplied, this fact should be indicated.
 9. Proposed dates of adoption and entry into force
The date when the sanitary or phytosanitary regulation is expected to be adopted, and the date from which the requirements in the regulation are proposed or decided to enter into force.
 10. 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.
 11. 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.

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

When assessing whether the sanitary or phytosanitary regulation may have a significant effect on trade, the Member concerned should take into consideration, using relevant information which is available, 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 development of such imports, and difficulties for producers in other Members to comply with the proposed sanitary or phytosanitary 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.

C. 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 requester 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.

D. **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 requester.

E. **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 sanitary or phytosanitary regulations concerned; and
 - (iii) provide to any Member from which it has received comments, a copy of the corresponding sanitary or phytosanitary regulations as adopted or information that no corresponding sanitary or phytosanitary regulations will be adopted for the time being.

WORLD TRADE ORGANIZATION

RESTRICTED

G/SPS/N/COUNTRY

date of distribution

(95-0000)

Committee on Sanitary and Phytosanitary Measures

NOTIFICATION

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