

Committee on Sanitary and Phytosanitary Measures

RECOMMENDED NOTIFICATION PROCEDURES

Revision

At its meeting of 10-11 March 1999, the Committee adopted the following revised recommended notification procedures with regard to paragraphs 5 and 6 of Annex B of the Agreement. These were previously circulated as the Annex to G/SPS/12.

Members should follow these guidelines when notifying regulations as required in paragraphs 5 or 6 of Annex B. The format for routine notifications (Item F below) should be used for notifications in accordance with paragraph 5 of Annex B, whereas the format for emergency notifications (Item G below) should be used for notifications as provided for in paragraph 6 of Annex B.

A. APPLICATION OF ANNEX B, PARAGRAPH 5 (PREAMBULAR PART) OF THE SPS AGREEMENT

For the purposes of Annex B, paragraphs 5 and 6 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.

When assessing whether the sanitary or phytosanitary regulation¹ 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.

¹ Sanitary and phytosanitary measures such as laws, decrees or ordinances which are applicable generally.

B. TIMING OF NOTIFICATIONS

When implementing the provisions of paragraph 5 of Annex B, a notification should be made when a draft with the complete text of a proposed regulation is available and when amendments can still be introduced and comments taken into account.

A notification shall be made well before the entry into force of the relevant measure, except when urgent problems of health protection arise or threaten to arise for the Member concerned. Any regulation brought into force in urgent circumstances must be notified immediately.

C. REQUESTING DOCUMENTS RELATED TO A NOTIFICATION

Members requesting documents related to a notification should provide all the elements permitting the identification of the documents, and in particular the WTO SPS notification number to which the requests refer.

D. PROVIDING DOCUMENTS RELATED TO A NOTIFICATION

Address of body supplying the documents

Members should indicate under point 12 of the WTO notification format (point 11 for Emergency notifications) the full address of the body responsible for supplying the relevant documents if that body is not the notification authority or the enquiry point.

Responding to requests

Documents requested should normally be provided within five working days. If this is not possible, the request for documentation or information should be acknowledged within that period and an estimate given of the time required to provide the requested documentation.

Documents supplied in response to a request should be identified with the WTO SPS notification number to which the request refers.

Members should use fax and e-mail facilities to the extent possible in responding to requests for documentation or information. Members are encouraged to publish their sanitary or phytosanitary measures on the world wide web, to facilitate the supply of documents.

Acknowledging receipt of documents

The Member requesting documents relating to a notification should acknowledge receipt of the documents provided.

Translation of documents

When a translation of a relevant document exists or is planned, this fact should 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 should be similarly indicated.

If a translation of a document or summary exists in the language of the requesting Member, or, as the case may be, in the WTO working language used by the requesting Member, it should be automatically sent with the original of the document requested.

Where documents are not available in a WTO working language, developed country Members shall, upon request, supply a translation of the document, or in case of voluminous documents, a translation of a summary of the documents, in a WTO working language.

When a Member seeks a copy of a document relating to a notification which does not exist in that Member's WTO working language, the notifying Member should advise the requesting 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 contact other Members in order to determine whether the latter are prepared to share any translation that they have or will be making.

Any Member possessing an unofficial translation of a document relating to a notification should inform the notifying Member of the existence of the unofficial translation and is encouraged to make it available to other interested Members, through electronic facilities where appropriate. In doing so, the Member should clearly indicate the unofficial and non committal nature of the translation.

E. HANDLING OF COMMENTS ON NOTIFICATIONS

Each Member should notify the WTO Secretariat of the authority or agency (e.g. its notification authority) which it has designated to be in charge of handling comments received, and of any change and/or modification of such authority or agency.

Members submitting comments on a notified draft regulation should provide them without unnecessary delay to the authority designated to handle the comments, or to the national notification authority if no other designation is made.

A Member receiving comments through the designated body should, without further request

- (i) acknowledge the receipt of such comments;
- (ii) explain within a reasonable period of time, and at the earliest possible date before the adoption of the measure, to any Member from which it has received comments, how it will take these comments into account and, where appropriate, provide additional relevant information on the proposed sanitary or phytosanitary regulations concerned;
- (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;
- (iv) where possible make available to other Members comments and questions it has received and answers it has provided, preferably through electronic facilities.

Favourable consideration should be given to requests for extension of the comment period, in particular with regard to notifications relating to products of particular interest to developing country

Members, or where there have been delays in receiving and translating the relevant documents. An extension of the time-limit for comments of at least 30 days should be provided upon request, whenever possible.

F. COMPLETION OF FORMATS - ROUTINE NOTIFICATIONS (ANNEX B, PARAGRAPH 5)

Information contained in the notifications 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 Communities, which is making the notification.
2. Agency responsible	Body elaborating a proposal for or promulgating a sanitary or phytosanitary regulation.
3. Products covered and regions or countries likely to be affected	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. The geographical regions or countries likely to be affected by the notified regulation should be identified to the extent relevant or practicable.
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. World wide web address of document notified, if available.
5. Description of content	A summary of the proposed or adopted sanitary or phytosanitary regulation clearly indicating its content and health protection objective. The summary should be as complete and accurate as possible to allow the full understanding of the proposed regulation. To the extent possible, likely effects on trade should be described. Abbreviations should be avoided. Where practicable it should also include an outline of the specific sanitary measures the regulation will apply.

6. Objective and rationale State whether objective is: protection of human health from food-borne risks; or protection of human health from plant- or animal-carried diseases; or protection of animal health from pests or diseases; or protection of animal health from contaminated feed; or protection of plant health from pests or diseases; or prevention of other damage from entry or spread of pests.
7. Existence of international standard, guideline or recommendation If a relevant international standard, guideline or recommendation does not exist, put a cross in the box provided; otherwise give the appropriate reference of the existing standard, guideline or recommendation and briefly describe how the proposed regulation deviates from the international standard, guideline or recommendation.
8. Relevant documents and language(s) in which these are available
- (a) Publication where notice of the proposed regulation appears, including date and reference numbers;
- (b) Proposal and basic document to which proposal refers (with specific reference number or other identification), and the language(s) in which the notified documents and any summary of these are available;
- (c) Publication in which proposal will appear when adopted;
- (d) If it is necessary to charge for documents supplied, the amount of the charge should be indicated.
9. Proposed date of adoption The date when the sanitary or phytosanitary regulation is expected to be adopted.
10. Proposed date of entry into force The date from which the requirements in the regulation are proposed or decided to enter into force. Where appropriate, Members should accord longer time-frames for compliance on products of interest to developing country Members.
11. Final date for comments and agency or authority handling 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.
- The agency or authority which has been designated to handle the comments should be indicated. If this is the national notification authority or the national enquiry point, put a cross in the box provided. If another agency or authority has been designated, provide its name, address, fax and (if available) E-mail address.

For proposed measures which facilitate trade, Members may reduce or eliminate the period for receiving comments.

12. Texts available from

If available from the national notification authority or the enquiry point, put a cross in the respective box. If available from another body, give its address, fax number and (if available) E-mail address. Such indications do 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.

WORLD TRADE

G/SPS/N/COUNTRY

ORGANIZATION

date of distribution

(99-0000)

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 (provide tariff item number(s) as specified in national schedules deposited with the WTO; ICS numbers may be provided in addition, where applicable). Regions or countries likely to be affected, to the extent relevant or practicable:
4. Title and number of pages of the notified document:
5. Description of content:
6. Objective and rationale: <input type="checkbox"/> food safety, <input type="checkbox"/> animal health, <input type="checkbox"/> plant protection, <input type="checkbox"/> protect humans from animal/plant pest or disease, <input type="checkbox"/> protect territory from other damage from pests
7. An international standard, guideline or recommendation does not exist <input type="checkbox"/> . If an international standard, guideline or recommendation exists, give the appropriate reference and briefly identify deviations:
8. Relevant documents and language(s) in which these are available:
9. Proposed date of adoption:
10. Proposed date of entry into force:
11. Final date for comments: Agency or authority designated to handle comments: <input type="checkbox"/> National notification authority, <input type="checkbox"/> National enquiry point, or address, fax number and E-mail address (if available) of other body:
12. Texts available from: <input type="checkbox"/> National notification authority, <input type="checkbox"/> National enquiry point, or address, fax number and E-mail address (if available) of other body:

G. COMPLETION OF FORMATS - EMERGENCY NOTIFICATIONS (ANNEX B, PARAGRAPH 6)

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 Communities, which is making the notification.
2. Agency responsible	Body elaborating a proposal for or promulgating a sanitary or phytosanitary regulation.
3. Products covered and regions or countries likely to be affected	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. The geographical regions or countries likely to be affected by the notified regulation should be identified to the extent relevant or practicable.
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. World wide web address of document notified, if available.
5. Description of content	A summary of the proposed or adopted sanitary or phytosanitary regulation clearly indicating its content and health protection objective. The summary should be as complete and accurate as possible to allow the full understanding of the proposed regulation. To the extent possible, likely effects on trade should be described. Abbreviations should be avoided. Where practicable it should also include an outline of the specific sanitary measures the regulation will apply.
6. Objective and rationale	State whether objective is: protection of human health from food-borne risks; or protection of human health from plant- or animal-carried diseases; or protection of animal health from pests or diseases; or protection of animal health from contaminated feed; or protection of plant health from pests or diseases; or prevention of other damage from entry or spread of pests.
7. Nature of urgent problem(s)	Indication of the underlying reasons for resorting to emergency action.

8. Existence of international standard, guideline or recommendation
- If a relevant international standard, guideline or recommendation does not exist, put a cross in the box provided; otherwise give the appropriate reference of the existing standard, guideline or recommendation and briefly describe how the proposed regulation deviates from the international standard, guideline or recommendation.
9. Relevant documents and language(s) in which these are available
- (a) Measure(s) taken and basic regulation which was modified (with specific reference number or other identification), and the language(s) in which the notified documents and any summary of these are available;
- (b) Publication in which regulation will appear;
- (c) If it is necessary to charge for documents supplied, the amount of the charge should be indicated.
10. Date of entry into force and period of application
- The date from which the requirements entered into force, and, if applicable, the period of time during which they will apply. (For example: immediate entry into force [date], duration of two months.)
11. Texts available from and agency or authority handling comments
- If available from the national notification authority or enquiry point, put a cross in the respective box. If available from another body, give its address, fax number and (if available) E-mail address. Such indications do 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.
- The agency or authority which has been designated to handle the comments should be indicated.

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NOTIFICATION OF EMERGENCY MEASURES

1. Member to Agreement notifying: If applicable, name of local government involved:
2. Agency responsible:
3. Products covered (provide tariff item number(s) as specified in national schedules deposited with the WTO; ICS numbers may be provided in addition, where applicable). Regions or countries likely to be affected, to the extent relevant or practicable:
4. Title and number of pages of the notified document:
5. Description of content:
6. Objective and rationale: [] food safety, [] animal health, [] plant protection, [] protect humans from animal/plant pest or disease, [] protect territory from other damage from pests
7. Nature of the urgent problem(s):
8. An international standard, guideline or recommendation does not exist []. If an international standard, guideline or recommendation exists, give its appropriate reference and briefly identify deviations:
9. Relevant documents and language(s) in which these are available:
10. Date of entry into force/period of application (as applicable):
11. Texts available from/and agency or authority designated to handle comments: [] National notification authority, [] National enquiry point, or address, fax number and E-mail address (if available) of other body: