

**WORLD TRADE
ORGANIZATION**

G/SPS/GEN/148
8 December 1999

(99-5388)

Committee on Sanitary and Phytosanitary Measures

Original: English

THE TRANSPARENCY PROVISIONS OF THE SPS AGREEMENT

Presentation made by the Secretariat at the Special Meeting
of the SPS Committee on Transparency Provisions
held on 9 November 1999

A light gray silhouette of a world map is centered in the background of the first page.

The Transparency Provisions of the SPS Agreement



Text of the Agreement

Article 7

Transparency

Members shall notify changes in their sanitary or phytosanitary measures and shall provide information on their sanitary or phytosanitary measures in accordance with the provisions of Annex B.



Annex B

ANNEX B

TRANSPARENCY OF SANITARY AND PHYTOSANITARY REGULATIONS

Publication of regulations

...

Enquiry Points →

...

Notification Procedures

...

General Reservations

...

“Recommended
Notification Procedures”

Annex to G/SPS/12



Issues

- Publication
- Notification Procedures
- Enquiry Points



Publication

Annex B
Paragraph 1 and 2

- Publish what? - *sanitary and phytosanitary regulations*
- When? - *promptly*
- How? - *available for interested Members*
- Entry into force - *reasonable period of time*

- Review
 - Encouragement to publish on the Internet



National Notification Authority

Annex B
Paragraph 10

- “Members shall designate a single central government authority as responsible for the implementation, on the national level, of the provisions concerning notification procedures”
 - prepares notifications about new or changed measures
 - provides copies of the measure upon request
 - receives and takes into account comments

LIST: G/SPS/GEN/141 (3 Nov. 1999)



Notification Procedures

- Legal text
 - Annex B, paragraphs 5-10

- Committee adopted revised recommendations on implementation:
 - **Recommended Notification Procedures**
 - » Contained in: G/SPS/12 (the Annex)



Notify SPS Measure **if:**

- it is new or modified,
- and
 - an international standard or guideline does not exist, or
 - the proposed measure is not the same as an existing international standard or guideline
- and,
 - the regulation may have a significant effect on trade of other Members

– Paragraph 5, Annex B of the SPS Agreement



ANNEX

*Recommended Notification Procedures
- Point -*

WORLD TRADE ORGANIZATION

Committee on Sanitary and Phytosanitary Measures

RECOMMENDED NOTIFICATION PROCEDURES


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.

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

G/SPS/7/Rev.1
date of distribution
(98-0000)

G/SPS/12



*Recommended Notification Procedures
- Point A -*

“significant effect on trade”

- Refers to the effect on trade:
 - between two or more Members
 - of one regulation or several
 - in a specific product, group ... in general

- When in doubt: Notify.



*Recommended Notification Procedures
- Point B -*

Timing of notifications

- When?
 - a draft with the complete text of a proposed ...
 - amendments can still be introduced
 - well before entry into force
 - except when urgent problems
 - notify immediately (in emergency)



*Recommended Notification Procedures
- Point C and D -*

Requesting / Providing Documents

- Identification of document
 - symbol
- Address of body responsible for supplying ...
 - point 12
 - or 11 (emergency)

WORLD TRADE ORGANIZATION	
Committee on Sanitary and Phytosanitary Measures	
NOTIFICATION OF EMERGENCY MEASURES	
1. Member to Agreement notifying: CZECH REPUBLIC If applicable, name of local government involved:	G/SPS/N/CE/16 24 June 1998 02/2011
2. Agency responsible: Ministry of Agriculture of the Czech Republic, State Veterinary Administration	
3. Products covered (tariff item numbers) as specified in national schedules deposited with the WTO. ICS numbers may be provided in addition, where applicable: Poultry meat	
4. Title and number of pages of the notified document: Measure concerning higher findings of arsenic in poultry meat - 1 page	
5. Description of content: Ban on imports of poultry meat from Thailand.	
6. Objective and rationale: Human health protection.	
7. Nature of the urgent problem(s): Findings of higher content of arsenic in poultry meat.	
8. An international standard, guideline or recommendation does not exist [] If an international standard, guideline or recommendation exists, whenever possible, identify deviations:	
9. Relevant documents and languages in which these are available: VET/307/98 from ISG/1998 (in Czech)	
10. Date of entry into force/period of application (as applicable): 19 June 1998	
11. Not available (requesting agency or authority designated to handle comments: National enquiry point [X] or address, telex number and E-mail address if available) (of other body):	



*Recommended Notification Procedures
- Point D -*

Providing Documents

- Responding
 - five days
 - if not, acknowledge
 - estimation of time required
- Via
 - fax / e-mail if possible
 - Internet
- Acknowledge receipt

WORLD TRADE ORGANIZATION	
GSPS/NCZ/16 24 June 1998 (08-2531)	
Committee on Sanitary and Phytosanitary Measures	
NOTIFICATION OF EMERGENCY MEASURES	
1. Member to Agreement notifying: CZECH REPUBLIC If applicable, name of local government involved:	
2. Agency responsible: Ministry of Agriculture of the Czech Republic, State Veterinary Administration	
3. Products covered (tariff item number(s) as specified in national schedules deposited with the WTO. HS numbers may be provided in addition, where applicable): Swine meat	
4. Title and number of pages of the notified document: Measure concerning higher findings of arsenic in poultry meat - 3 page	
5. Description of content: Ban on import of poultry meat from Thailand	
6. Objective and rationale: Human health protection	
7. Nature of the urgent problem(s): Findings of higher content of arsenic in poultry meat	
8. An international standard, guideline or recommendation does not exist [] If an international standard, guideline or recommendation exists, wherever possible, identify deviation:	
9. Relevant documents and language(s) in which these are available: VET/307/98 from 19.6.1998 (in Czech)	
10. Date of entry into force/period of application (as applicable): 19 June 1998	
11. Tests available: Forward agency or authority designated to handle comments; National enquiry point (N) or address, telephone number and E-mail address (if available) of other body:	



*Recommended Notification Procedures
- Point D -*

Providing Documents, cont'd

- Translation
 - If exists / planned -
 - indicate or send along
 - Developed countries:
 - supply translation of document or translated summary in WTO working language
 - Share translations
 - Unofficial translations



**Recommended Notification Procedures
- Point D -**

Providing Documents, cont'd

8. Relevant documents and language(s) in which these are available: Canada Gazette, Part I, 2 October 1999; English and French

WORLD TRADE ORGANIZATION		G/SPS/CAN/74 13 October 1999
Committee on Sanitary and Phytosanitary Measures		(09-430)
		Original: English/French
NOTIFICATION		
1.	Member to Agreement notifying: CANADA	
If applicable, name of local government involved:		
2.	Agency responsible: Health Canada	
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: 2.4-D	
4.	Title and number of pages of the notified document: Proposed Amendment to the Food and Drug Regulations (134... 2.4-D) (pages 2933-2935)	
5.	Description of content: The Pest Management Regulatory Agency (PMRA), of Health Canada, has recently approved an application to amend the registration of 2,4-D in order to allow its use as a spot treatment for the (wide) control of broadleaf weeds that grow above the cranberry fields. This proposed regulatory amendment would establish an MRL for residues of 2,4-D resulting from this use in cranberries, in order to permit the sale of food containing these residues.	
After the review of all available data, the PMRA has determined that an MRL for 2,4-D of 0.5 p.p.m. in cranberries would not pose an unacceptable health risk to the public. This new MRL harmonizes with that established by the United States Environmental Protection Agency.		
6.	Objective and rationale: <input checked="" 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: No Codex Maximum Residue Limit (MRL), United States tolerance on cranberries @ 0.5 p.p.m.	
8.	Relevant documents and language(s) in which these are available: Canada Gazette, Part I, 2 October 1999; English and French	
9.	Proposed date of adoption: Not stated.	
10.	Proposed date of entry into force: Not stated.	
11.	Filed date for comments: 1 November 1999. Agency or authority designated to handle comments: <input type="checkbox"/> National notification authority, <input checked="" 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 checked="" type="checkbox"/> National enquiry point or address, fax number and E-mail address (if available) of other body.	



**Recommended Notification Procedures
- Point E-**

Handling of Comments

- Submit comments to:
 - Authority designated to handle comments
 - Point 11 in format
 - National Notification Authority (if none indicated)

WORLD TRADE ORGANIZATION		G/SPS/CAN/74 13 October 1999
Committee on Sanitary and Phytosanitary Measures		(09-430)
		Original: English/French
NOTIFICATION		
1.	Member to Agreement notifying: CANADA	
If applicable, name of local government involved:		
2.	Agency responsible: Health Canada	
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: 2.4-D	
4.	Title and number of pages of the notified document: Proposed Amendment to the Food and Drug Regulations (134... 2.4-D) (pages 2933-2935)	
5.	Description of content: The Pest Management Regulatory Agency (PMRA), of Health Canada, has recently approved an application to amend the registration of 2,4-D in order to allow its use as a spot treatment for the (wide) control of broadleaf weeds that grow above the cranberry fields. This proposed regulatory amendment would establish an MRL for residues of 2,4-D resulting from this use in cranberries, in order to permit the sale of food containing these residues.	
After the review of all available data, the PMRA has determined that an MRL for 2,4-D of 0.5 p.p.m. in cranberries would not pose an unacceptable health risk to the public. This new MRL harmonizes with that established by the United States Environmental Protection Agency.		
6.	Objective and rationale: <input checked="" 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: No Codex Maximum Residue Limit (MRL), United States tolerance on cranberries @ 0.5 p.p.m.	
8.	Relevant documents and language(s) in which these are available: Canada Gazette, Part I, 2 October 1999; English and French	
9.	Proposed date of adoption: Not stated.	
10.	Proposed date of entry into force: Not stated.	
11.	Filed date for comments: 1 November 1999. Agency or authority designated to handle comments: <input type="checkbox"/> National notification authority, <input checked="" 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 checked="" type="checkbox"/> National enquiry point or address, fax number and E-mail address (if available) of other body.	



Recommended Notification Procedures
- Point E-

Handling of Comments

- After receiving comments:
 - acknowledge
 - explain
 - how taken into account
 - provide additional relevant info.
 - provide
 - copy of regulation as adopted
 - or, information of non-adoption
 - where possible, inform other Members
 - comments
 - explanations



Recommended Notification Procedures
- FORMAT Point F -

FORMAT: POINTS 1-3

Body elaborating a proposal ...

Government, competent authority

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:	

Tariff item number(s)...

Clear description is important for understanding of the notification

Geographical regions or countries likely to be affected



Recommended Notification Procedures
- FORMAT Point F -

EXAMPLE

G/SPS/N/COL/31
20 October 1999

NOTIFICATION	
1. Member to Agreement notifying: <u>COLOMBIA</u> If applicable, name of local government involved:	
2. Agency responsible: Colombian Agricultural Institute, ICA	
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: Fresh fruit which is host to Bactrocera s.p.p. from Brazil, Ecuador, Peru and Venezuela.	

“Fresh fruit which is host to Bactrocera s.p.p from Brazil, Ecuador, Peru and Venezuela”



Recommended Notification Procedures
- FORMAT Point F -

FORMAT: POINTS 4-6, in particular 5

Title, Number of pages, web-site

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

Important: Clear Summary



Recommended Notification Procedures
- FORMAT Point F -

EXAMPLE
- brief product description

“Frozen Meat Products”

4. Title and number of pages of the notified document: Sanitary Requirements for Importing Frozen Meat Products into Chile (3 pages)
5. Description of content: Lays down the sanitary requirements for importing pork, bovine and poultry meat or mixtures thereof, with or without additives or added condiments, spices, water or ice.
6. Objective and rationale: <input type="checkbox"/> food safety, <input checked="" 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

“sanitary requirements”

G/SPS/N/CHL/40
20 October 1999



Recommended Notification Procedures
- FORMAT Point F -

EXAMPLE - more detailed

Product Covered: **Swiss raw milk cheeses**

4.	Title and number of pages of the notified document: Explanatory Notes Application A357 – Raw, Hard and Semi-Hard Cheeses (5 pages)
5.	Description of content: An application to allow the sale of those cheeses that have been manufactured from raw milk where the manufacturing practices are found upon a case-by-case scrutiny by ANZFA to provide a fully equivalent protection of public health and safety to current food standards and have been entered into a schedule in Standard H9 specifying those products and processes where full equivalence has been established. The proposed regulations will result in <u>less stringent</u> provisions than currently contained within the <i>Food Standards Code</i> .
6.	Objective and rationale: [X] food safety, [] animal health, [] plant protection, [] protect humans from animal/plant pest or disease, [] protect territory from other damage from pests

G/SPS/N/AUS/107
20 September 1999

“case by case basis” ... “results in less stringent provisions than current...”



Recommended Notification Procedures
- FORMAT Point F -

EXAMPLE - even more detailed

5.	<p>Description of content:</p> <p>Korea Food and Drug Administration revises the Food Code as following:</p> <ul style="list-style-type: none"> • Amendment of sampling and sample-handling methods to ensure the rationality of the performance of food inspectors • Amendment of requirements for raw food materials <ul style="list-style-type: none"> - More than 240 new materials such as medicinal plants are added to use as food ingredients. • Abolishment of criteria for exporting food products • Liberalization of shelf-life requirements <ul style="list-style-type: none"> - The shelf-life period for 20 items [Tofu products (12 items), Noodles (4 items), Packed Lund (3 items), Fried food products] are liberalized. • Simplify the requirements for manufacturing and/or processing in all food products • Amendment of specifications for constituents <ul style="list-style-type: none"> - Deregulation of quality specifications, such as moisture content, saponification value, which are less related with safety. - The maximum residue levels for lead in fresh water fish (2.0 mg/kg), chitosan products (2.0 mg/kg), propolis extracted products (5.0 mg/kg) and calcium content products (3.0 mg/kg), mercury in fresh water fish (0.5 mg/kg), cadmium in shellfish (2.0 mg/kg), rice (0.2 mg/kg) and sulphur dioxide in sugared products (30.0 mg/kg) are newly established based on risk assessment results by the Korea Food and Drug Administration. • Reclassification of food types to harmonize with international norms • Addition of new test methods <ul style="list-style-type: none"> - New test methods such as HMF, Cholin, are introduced based on the international recognized methods such as Association of Official Analytical Chemists.
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G/SPS/N/KOR/63
6 October 1990



*Recommended Notification Procedures
- FORMAT Point F -*

FORMAT: POINT 7

- 7. An international standard, guideline or recommendation does not exist [].
If an international standard, guideline or recommendation exists, give the appropriate reference and briefly identify deviations:**

Note: Helpful to notify even when an international standard exists, and the measure is based on it.



*Recommended Notification Procedures
- FORMAT Point F -*

EXAMPLE

Product Covered: **Cyfluthrin**

- 7. An international standard, guideline or recommendation does not exist [].
If an international standard, guideline or recommendation exists, give the appropriate reference and briefly identify deviations:** The United States has the same tolerances. Internationally, CODEX has recommended a CXL of 0.01 p.p.m. for cattle milk which is lower than the proposed Canadian MRL, therefore there would be no trade irritant with respect to imports.

CODEX has recommended a lower level

G/SPS/N/CAN/65
23 October 1999



Recommended Notification Procedures
- FORMAT Point F -

FORMAT: POINT 8

8. Relevant documents and language(s) in which these are available:

- Relevant documents:
 - Publication where notice of the proposed regulation appears
 - Proposal and basic document to which proposal refers ...
 - Language? Summaries available?
 - Publication in which proposal will appear when adopted
 - Charge for documents?
 - what amount?



Recommended Notification Procedures
- FORMAT Point F -

FORMAT: POINTS 9-10

9. Proposed date of adoption:

10. Proposed date of entry into force:

- Proposed date of adoption
- Proposed date of entry into force
 - longer time-frames for compliance on products of interest for developing countries, where appropriate



Recommended Notification Procedures
- FORMAT Point F -

FORMAT: POINT 11

11. Final date for comments:

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:

- Annex B, paragraph 5(b)
 - “... at an early stage when amendments can still be introduced and comments taken into account.”
 - 60 day recommended
 - after 45 days if no comment
 - more, if possible
- Indicate agency handling comments
- No comment period necessary for trade-facilitating measures



Recommended Notification Procedures
- FORMAT Point F -

EXAMPLE - “to be determined”

Product Covered: **distilled liquors** Date of adoption and entry into force “to be determined”

9.	Proposed date of adoption: To be determined.
10.	Proposed date of entry into force: To be determined.
11.	Final date for comments: 60 days from the circulation date Agency or authority designated to handle comments: <input type="checkbox"/> National notification authority, <input checked="" type="checkbox"/> National enquiry point, or address, fax number and E-mail address (if available) of other body:

Final date for comments is 60 days after “circulation”

G/SPS/N/THA/18
22 October 1999



Recommended Notification Procedures
- FORMAT Point F -

EXAMPLE - specified date

Product Covered: **Foods for infants and young children**

9.	Proposed date of adoption: Recommendation to Government in first half 2000
10.	Proposed date of entry into force: After approval by Government, anticipated by mid-2000
11.	Final date for comments: The domestic closing date for comments is 17 November 1999 however comments from Members will be accepted until 17 December 1999 if notice of intention to comment is received by the domestic closing date. 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:

G/SPS/NNZL/51
22 October 1999

“notice of intention to comment”

New Zealand
Australia



*Recommended Notification Procedures
- FORMAT Point F -*

**FORMAT: POINT 12
(last in normal format)**

12. Texts available from: [] National notification authority, [] National enquiry point, or address, fax number and E-mail address (if available) of other body:



*Recommended Notification Procedures
- FORMAT Point F -*

EXAMPLE - Texts available from

**11. Texts available from/and agency or authority designated to handle comments:
[] National notification authority, [X] National enquiry point or address, fax number and E-mail address (if available) of other body:**

Consejo Nacional de Ciencia y Tecnología (CONACYT)
Departamento de Normalización, Metrología y Certificación de Calidad
Colonia Médica
Avenida Dr. Emilio Álvarez, pasaje Dr. Guillermo Rodríguez Pacas # 51
San Salvador, El Salvador, C.A.
Tel: (503) 221 2600, 226 2999
Fax: (503) 225 6255
email: cit@conacyt.gob.sv

Ministerio de Economía
Dirección Política Comercial
Alameda Juan Pablo II y Calle Guadalupe Plan Maestro
San Salvador, El Salvador, C.A.
Tel: (503) 221 3583
Fax: (503) 221 4771
email: policom@sal.bgm.net



*Recommended Notification Procedures
- Point G -*

Emergency Notifications

- Relevant texts of Agreement
 - Annex B, Paragraph 6
 - “... wherever urgent problems of health protection threaten to arise for a Member, that Member may omit such of the steps enumerated in paragraph 5 of this Annex as it finds necessary, provided that...”



*Recommended Notification Procedures
- Point G -*

Emergency Notifications, cont'd

- Article B, Paragraph 6 - cont'd
 - immediately notifies ...
 - provides, upon request, copies of the regulation ...
 - ... allows comments ...
- Separate Notification Format
 - Differences:
 - “Nature of urgent problem” (Point 7)
 - “Date of entry into force/period of application” (Point 10)



*Recommended Notification Procedures
- Point G -*

Emergency Notifications, cont'd

WORLD TRADE	G/SPS/N/COUNTRY
	date of distribution
ORGANIZATION	(99-000)
Committee on Sanitary and Phytosanitary Measures	
NOTIFICATION OF EMERGENCY MEASURES	
1. Member to Agreement notifying: If applicable, name of local government involved:	



*Recommended Notification Procedures
- Point G -*

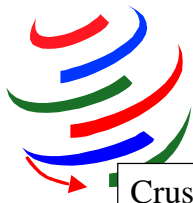
Emergency Notifications, cont'd

7. Nature of the urgent problem(s):

What is the reason for resorting to emergency action?

10. Date of entry into force/period of application (as applicable):

When did it enter into force and for how long?



Recommended Notification Procedures
- Point G -

Emergency... - EXAMPLE

Crustaceans

... disease White Spot Syndrome Virus (WSSV) and Yellow Head Virus (YHV), which could endanger wild and cultivated populations ...

... major risk of introducing different strains of these pathogens,
... high risk of spreading the causal agents
... could cause losses to aquaculture or natural crustacean populations, thus representing a potential environmental danger

Date of entry into force/period of application (as applicable): The day following its publication in the Official Journal (25 September 1999), valid for six months from publication.



Annex B
Paragraph 3

The Enquiry Point

- “is responsible for the provision of answers to all reasonable questions” regarding:
 - adopted or proposed SPS regulations,
 - control, inspection procedures, quarantine treatment, approval procedures,
 - risk assessment procedures,
 - membership / participation in international and regional organizations, bilateral and multilateral agreements and arrangements

LIST: G/SPS/ENQ/9 (3 Nov 1999)



TRANSPARENCY

Summing up

- SPS Agreement:
 - » Article 7 and Annex B
- National Notification Authority
 - » Notification Procedures (G/SPS/12 - Annex)
- Enquiry Points
- SPS WTO Secretariat
 - » Circulation of notifications
- SPS Committee meetings
 - » Forum for discussion



Notifications and the SPS Committee

- Agenda item:
 - “Consideration of specific notifications received”
 - seek clarification
 - express concern
 - comments
 - others with similar concerns

