

CASE STUDIES – ENQUIRY POINTS / NATIONAL NOTIFICATION AUTHORITIES

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

Identification and establishment of an Enquiry Point/National Notification Authority

1. In implementing transparency provisions of the SPS and TBT Agreements, the Government of Thailand has designated the Thai Industrial Standards Institute (TISI) which is under the Ministry of Industry as Thailand WTO – SPS/TBT Enquiry Point as well as a National Notification Authority. The rationale for this arrangement is twofold – firstly, TISI has represented Thailand as a national member of the International Organization for Standardization (ISO), including the ISO Information Network (ISONET) which aims at coordinating and systematizing the exchange of information on standards and standard-type documents, and secondly, TISI also acts as a regulatory authority in the areas of SPS measures and industrial products. However, TISI works closely with the Ministry of Commerce for the overall coordination and implementation of the Agreements.

Operation of an Enquiry Point

2. As an ISONET member, TISI has made every effort to align its working procedures regarding the operation of information services with the ISONET Guide. It stores a collection of Thai standards as well as standards published by ISO/IEC members and other standard-related documents, microfilms, microfiches and CD-ROMs. It maintains computerized bibliographic databases on Thai standards, technical regulations, SPS measures and conformity assessment procedures and is in the process of developing access of these databases through the Internet. Additionally, it provides information on standards, technical regulations, SPS measures and conformity assessment procedures to interested parties. Responsibilities of TISI as Thailand WTO – SPT/TBT Enquiry Point are as follows:

- (a) **answering enquiries relating to Thailand and foreign technical regulations, SPS measures, standards and conformity assessment procedures**

Upon receiving a request for information, an official firstly scrutinizes whether a query is within the technical competence of TISI. In cases where it is within the scope of TISI, a response will be made to an enquirer, usually within 5 working days. In cases where it is outside the scope of TISI, a query will be forwarded to the appropriate authority for direct response, while an acknowledgement of receipt of a query will be delivered to an enquirer, together with the contact address of the responsible authority.

(b) **disseminating foreign notifications to local interested parties**

Foreign notifications are downloaded from the WTO website and disseminated to relevant authorities and local interested parties via either direct mail, faxes or e-mail. Early warning facility consisting of selected products of interests to Thailand is also provided through TISI website in order to alert Thai manufacturers and exporters.

(c) **transmitting Thailand comments on other WTO Member's notifications and/or requests for extension of commenting date to foreign Enquiry Points**

In cases where comments from local interested parties are received, TISI prepares the written statements in English and transmits them to relevant foreign Enquiry Points.

(d) **transmitting foreign comments on Thailand notifications and/or requests for extension of commenting date to relevant regulatory authorities**

Upon receiving foreign comments on Thailand notifications and/or requests for extension of commenting period, TISI forwards them to the relevant regulatory authorities, including following up with their consideration and responding to those who made comments.

(e) **arranging for English translation of full texts or summaries of Thailand notifications**

(f) **providing full texts of notifications to enquirers**

National Notification Authority

3. TISI establishes close liaison and cooperation with other regulatory authorities in order to facilitate the exchange of information on proposed and adopted technical regulations. In compliance with provisions concerning notification procedures, Thai Government departments and regulatory authorities responsible for the administration and implementation of SPS/TBT measures have been informed by TISI of their obligations under the Agreements. Additionally, a national committee comprising representatives from relevant organizations has been established for the purpose of ensuring the implementation and administration of the Agreement. Main functions of a TISI as a National Notification Authority include:

(a) **coordinating with other regulatory authorities regarding their proposed new or revised SPS measures/technical regulations**

Every month, officials review proposed new or revised SPS measures and technical regulations from different sources. In addition, they coordinate with relevant regulatory authorities to inform TISI as soon as the draft texts are finalized.

(b) **notifying Thailand SPS measures/technical regulations**

Upon receiving and scrutinizing draft SPS measures and technical regulations, officials prepare notified texts and transmit them through the Permanent Mission of Thailand to the WTO.

Up to October 1999, twenty SPS measures were notified by Thailand to WTO Secretariat.

Staff

4. Seven officials are assigned to the task of Thailand WTO – SPS/TBT Enquiry Point and National Notification Authority.

Specific difficulties and problems concerning an Enquiry Point and notification procedures

5. A number of difficulties and problems were encountered in the operation of Thailand WTO – SPS/TBT Enquiry Point and a National Notification Authority which may eventually result in an unintentionally delay of notification. The problems can be summarized as follows:

(a) **Timing of notification**

The regulatory authorities have the task to inform TISI as soon as the draft text of a proposed or amended SPS measure is finalized. However, as the legislation process of technical regulations does not usually provide a public hearing period, it often occurs that by the time an SPS measure is notified to the WTO Secretariat, it has already been adopted or entered into force. Thailand is well aware of this obstacle and various measures are presently being considered to minimize this problem. In all cases, when comments are received, they are usually taken into account and if they are justifiable, amendments can be introduced to those adopted SPS measures.

(b) **Untranslated documentation**

Difficulties also often arise from the fact that full texts of notified SPS measures are not always available in one of the WTO working languages. These therefore create further problems of translation.

(c) **Delivery of documentation**

Relevant documentation is sometimes delivered beyond the deadline of the comment period and although requests for an extension of comment period are submitted to the notifying Member countries, such postponement cannot be allowed due to legislative constraints.

Proposals or suggestions

- Description of content of notified SPS measures should present, as much as possible, the main contents of proposed or revised texts, allowing consideration by other Members even in the absence of documentation.
- Cooperation and coordination among National Enquiry Points needs to be strengthened to better the exchange of information.
- Seminars on the operation and implementation of the SPS Agreement should be regularly held.

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