

IMPLEMENTATION OF THE TRANSPARENCY PROVISIONS
OF THE SPS AGREEMENT

Statement by the United States at the Meeting of 1-2 July 1997

1. In each of the Committee's recent meetings, the Chairman has pointed out that many WTO Members have not yet notified the Secretariat of their National Notification Authority and their Enquiry Points. The United States has also expressed concern that the majority of the membership does not appear to be using the notification process, as required under Annex B of the SPS Agreement.
2. The United States wishes to stress again that full implementation of the transparency and notification provisions of the SPS Agreement is a fundamental WTO obligation. It is disturbing that, more than two years after the entry into force of the WTO, implementation of this obligation remains incomplete.
3. We appreciate the information the Secretariat has compiled for the Committee on this issue. Unfortunately, this information confirms that 76 Members have not yet identified their National Notification Authority and 44 Members have not identified their SPS Enquiry Points.
4. Under the SPS Agreement, Members have accepted an obligation to notify any sanitary or phytosanitary trade measure that is not substantially the same as, or that is applied in the absence of, a corresponding international standard, guideline or recommendation. However, 85 Members (two-thirds of the membership) have not yet notified a single SPS measure.
5. The United States is aware of a number of SPS measures which appear to fall within the meaning of Annex B, paragraph 5 of the SPS Agreement, but which have not been notified to the WTO. Examples which the United States has recently brought to the Committee's attention include:
 - France has banned the importation of pet food that does not meet certain processing requirements. This measure is not based on an international standard. As was discussed in the Committee's seventh meeting, this measure has not been notified to the WTO.
 - Venezuela has banned the importation of poultry products from countries that have reported instances of non-pathogenic avian influenza (AI). This is not based on an international standard. Venezuela has not notified this or any other SPS measure.
6. These and other examples that have been brought to our attention by interested traders, indicate that many Members also may not yet have established the institutions and procedures needed to ensure full compliance with the transparency and notification provisions of this Agreement. If technical or other constraints have delayed implementation of these provisions, Members should bring such problems to the immediate attention of the Secretariat.
7. The United States recommends that the Committee request the Secretariat to contact each of the Members that have not yet identified their Notification Authority or Enquiry Point prior to the Committee's next meeting, in order to ascertain when those Members intend to comply with this obligation. We request that the Secretariat report the results of these communications to the Committee.