

IMPLEMENTATION OF THE TRANSPARENCY AND NOTIFICATION
PROVISIONS OF THE SPS AGREEMENT

Submission by the United States at the meeting of 15-16 October 1997

Introduction

1. Since the entry into force of the SPS Agreement on 1 January 1995, 50 members have notified through the WTO Secretariat a total of over 630 SPS measures. The design of the SPS Agreement's notification procedures was based on the limited experience with notifications under the pre-existing GATT agreement on *Technical Barriers to Trade*. Members' subsequent experience under the SPS Agreement provides a good basis for reviewing the effectiveness of these notification procedures.

Background

2. Article 7 and Annex B are key functional provisions of the SPS Agreement. The United States believes that transparent decision-making procedures and proper notification of proposed SPS measures contributes to members' efforts to comply with the other requirements of the Agreement. The use of such procedures can also help to avoid unnecessary trade problems and improve the efficiency and effectiveness of public health and safety protections.

3. The recent progress in providing members and the general public direct access to SPS notifications on the WTO's home page is an important accomplishment. Use of the Internet greatly facilitates the implementation of the SPS Agreement, and is consistent with members' broader interest in building an open and integrated global trading system.

4. At the same time, there appear to be continuing constraints with the current SPS notification system which may warrant the Committee's consideration. A review of the 51 SPS notifications posted between 1 July 1997 and 29 September 1997, for example, reveals difficulties in obtaining detailed information on the measures being notified and in the ability to provide substantive responses to those notifications within the identified comment period, where such a period is provided.

- Only 26 of these 51 notifications identified a comment period (*Box 11* of the notification form, attached).
- With respect to these 26 notifications, an average of only 46 days remained for Members to obtain the notifying Member's draft text, have it translated, analyze substantive information, and prepare possible comments to the notifying Member.
- For the 26 SPS notifications that identified the comment period, the United States immediately requested full texts of the measures being notified, which were received with an average of only 8 days remaining to comment. This experience points out

that members must frequently translate lengthy documents during this very short time before they are able to comment substantively.

- The United States requested the full text for all of the above 51 SPS notifications, but has only received 36 full texts in response.

. It is encouraging, on the other hand, that we have received the full texts in all of the 26 cases in which the notification identified the comment period.

- Out of 51 total notifications, the United States found it necessary in 24 cases to re-contact the notifying members' notification authority to request the draft text. Because some of those still remained outstanding, a third request may be necessary in some cases.

5. In addition to the above "process and time line" issues, there appear to be considerable variations in other details of the notification process. For example, the United States notes the level of specificity in *Box 5* of the notification form, *Description of Content*, varies widely. The information in this box enables Members to understand the nature of the proposed measure. For some less voluminous measures, adequate description in *Box 5* might reduce the need for some full text requests.

Proposal

6. To explore means of addressing these issues, the United States proposes that members hold regional Transparency Workshops prior to May 1998. The participants would be representatives of members' national notification authorities and national inquiry points or, where such bodies have not yet been established, representatives of the government offices in which they are to be located. Members which have not yet established their notification authorities and inquiry points, or which have not yet notified measures, would be particularly encouraged to participate.

7. Regional working-level discussions would allow for the exchange of information and experiences among those who are responsible for the practical, daily functions of the notification and inquiry points. The Committee may wish to ask individual members to volunteer to host these regional workshops.

8. Each Workshop would issue a report, including possible recommendations for improving notification procedures, for consideration in the Committee's July 1998 meeting. Those reports would facilitate the Committee's review of the implementation of the transparency and notification provisions of the Agreement.

WORLD TRADE ORGANIZATION

G/SPS/N/COUNTRY
Date of distribution

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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: