

IMPLEMENTATION OF THE TRANSPARENCY PROVISIONS

Submission by the European Communities at the Meeting of 15-16 October 1997

The following communication was received from the European Commission on 10 October 1997.

Article 7 of the SPS Agreement provides that Members shall notify changes in their sanitary and phytosanitary measures and shall provide information on the above in accordance with the provisions of Annex B.

Members are therefore required to notify other Members of changes to their sanitary and phytosanitary regulations which may have a significant effect on trade and are requested to set up Enquiry Points to respond to requests for information.

A constant and frank communication and exchange of information amongst WTO Members provides a greater level of confidence in the Member's law making process and working procedures and at the same time could be the basis for relevant national standards and SPS measures. An increased transparency is essential to protect trading partners from hidden protectionism through unnecessary non-tariff barrier to trade. Any WTO Member can draw benefit from such an approach.

In addition, consumer confidence in the legislative activities of governments with regard to SPS measures is conditioned by the above process. Therefore, widest possible access to relevant scientific and other information should be guaranteed.

These obligations are partially reflected in document G/SPS7, Recommended Notification Procedures.

Notwithstanding the above, the provision is fulfilled only by a few Members and even then, only in part.

According to document G/SPS/GEN/27, referring to the above subject, a number of Members have not yet informed the Secretariat of either their Enquiry Point or the National Notification Authority. Furthermore, according to our records, only 41 Members, amongst those listed in the above paper, have notified sanitary and phytosanitary measures to the Secretariat.

Frequently, the EC Enquiry Point has to refer to WTO Members' Representations and Mission either in Brussels or in Geneva, in order to obtain information on the measures notified, though these

should be provided on request by the relevant Enquiry Points. Unfortunately, such an exercise is often fruitless, as the requests are ignored.

Usually, the EC Enquiry Point supplies documents requested within 5 working days and would advise other Members to do so, making use of both fax and electronic mail to the extent possible.

As the Committee considers transparency as one of the corner stones of the Agreement, a significant effort should be made to properly fulfil the notification and enquiry provisions, without which, this basic yet fundamental principle of the Agreement would be nullified, with the risk of jeopardising the entire implementation of the Agreement.

In the light of the above, the European Community invites the Secretariat to remind Members of their obligations and the Committee to consider the possibility of revising document G/SPS/7 in order to make it more compelling for members, as far as certain specific notification and enquiry procedures are concerned.