



Committee on Sanitary and Phytosanitary Measures

**OVERVIEW REGARDING THE LEVEL OF IMPLEMENTATION OF THE TRANSPARENCY
PROVISIONS OF THE SPS AGREEMENT**

NOTE BY THE SECRETARIAT¹

Revision

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¹ This document has been prepared under the Secretariat's own responsibility and is without prejudice to the positions of Members or to their rights and obligations under the WTO.

1 INTRODUCTION

1.1. Since the October 2007 workshop on transparency, the Secretariat has been requested to prepare an annual overview of the implementation of the transparency provisions of the SPS Agreement.² The document provides an overview regarding the level of implementation of the transparency obligations found in the SPS Agreement (Article 7 and Annex B) and of the Committee's Recommended Procedures for Implementing the Transparency Obligations of the SPS Agreement (G/SPS/7/Rev.4). It provides information in areas which the Secretariat is in a position to track (such as designation of Enquiry Points/Notification Authorities, circulation of notifications) but does not include those where the Secretariat is not directly involved (such as provision of comments on specific notifications).

1.2. In preparing this overview, the Secretariat has largely relied on the SPS Information Management System (SPS IMS).³ While some historical data on notifications dating back to 1995 has been retrieved from various internal sources and incorporated into the SPS IMS, some of the more detailed analysis has only been possible as of July 2007, when the SPS IMS became operational. Most of the analysis contained in this document can be undertaken and updated directly by Members or other interested parties as the underlying data is publicly available and searchable through the SPS IMS. Hands-on training on using the SPS IMS is regularly provided in technical assistance activities. A new and improved version of the SPS IMS was launched at the end of March 2017. This update, combined with streamlining internal processes in the Secretariat, has enabled data analysis to become more automatic than it has been for past reports. Small discrepancies in the data between the current reporting period and past reporting periods are due to the transition to the new system.

1.3. The revised Recommended Procedures for Implementing the Transparency Obligations of the SPS Agreement (G/SPS/7/Rev.3, hereafter the "Recommended Transparency Procedures") took effect on 1 December 2008. Compared to the earlier version of the transparency procedures, which had been adopted by the Committee in 2002, the 2008 transparency procedures included revised notification formats which aim to facilitate the provision of clearer and more specific information regarding new or modified SPS measures by Members, e.g. regarding conformity with international standards, comment periods, and the period between the publication and entry into force of new regulations. In June 2018, the Secretariat circulated an updated version of the Recommended Transparency Procedures as document G/SPS/7/Rev.4. This revision does not include any substantive changes to the text. It incorporates updates based on changes in the online tools (SPS IMS, SPS NSS and ePing) and the notification templates. It also includes text and the notification format contained in the Decision on Special and Differential Treatment (G/SPS/33/Rev.1) to consolidate all notification recommendations into one document.

1.4. The revised Recommended Transparency Procedures also paved the way for the introduction during 2011 of a procedure for the on-line submission of notifications by Members. The SPS Notification Submission System (SPS NSS)⁴ assists Members to be more precise in their notifications, and speeds up the processing and circulation of notifications to all Members. A new and improved version of the SPS NSS was launched at the end of March 2017 in conjunction with previously-mentioned launch of the SPS IMS.⁵

1.5. While more information is available with the 2008 formats, there is still room for improvement regarding the actual amount and quality of information provided by Members in the various notification formats.⁶

² See G/SPS/R/47, para. 44, for the recommendations arising from the 2007 workshop on transparency. See also footnote 4 of G/SPS/7/Rev.4 requesting the Secretariat to provide an annual report on the level of implementation of the transparency provisions of the SPS Agreement and of the recommended transparency procedures.

³ <http://spsims.wto.org>.

⁴ <https://nss.wto.org/spsmembers>.

⁵ See para. 5.3. for more information.

⁶ All notification formats can be downloaded from <http://www.wto.org/spstransparency>.

2 DESIGNATION OF NOTIFICATION AUTHORITIES AND ENQUIRY POINTS

2.1. Annex B, paragraph 10 of the SPS Agreement obliges Members to designate a single central government authority as responsible for the implementation of notification procedures. This agency is referred to as the "SPS National Notification Authority". As of 15 September 2018, 157 WTO Members out of 164 had designated such an agency, one more than the previous reporting period. Those Members which have not designated Notification Authorities include six least developed countries (LDCs) and one developing country.⁷

2.2. Annex B, paragraph 3 of the SPS Agreement requires that each Member establish an Enquiry Point responsible for the provision of answers to all reasonable questions and of relevant documents. As of 15 September 2018, 161 WTO Members out of 164, had provided the WTO with the contact information of their Enquiry Point. The same three countries as last year, all LDCs, have not yet established an Enquiry Point. Thirty Members have identified more than one SPS Enquiry Point.

2.3. The most up-to-date information on Members' Notification Authorities and Enquiry Points can be accessed through the SPS IMS by clicking on **Search** → **Enquiry Points/Notification Authorities** on the top menu bar.⁸

3 SUBMISSION OF NOTIFICATIONS

3.1. Under the SPS Agreement, notifications are used to inform other Members about new or changed regulations that may significantly affect trade. Annex B, paragraphs 5 to 8, as well as the Recommended Transparency Procedures, elaborate on the notification procedures Members are to follow. For ease of reference, the specific sub-topics highlighted below follow the order of items that are contained in the regular and emergency notification formats.

3.1 Types of notifications

3.2. The two main types of notifications are regular notifications and emergency notifications. In addition, addenda, corrigenda, revisions or supplements can be issued subsequent to an original regular or emergency notification.⁹ An addendum is used to provide additional information or changes to an original notification, for example if the products covered by the proposed regulation have been modified, if the comment period has been extended, or if a notified measure has entered into force. A corrigendum is used to correct an error in an original notification such as an incorrect address detail. A revision is used to replace an existing notification, for example if a notified draft regulation was substantially redrafted or if a notification contained a large number of errors.

3.3. As of 15 September 2018, Members had submitted¹⁰ 15,823 regular notifications, 2,103 emergency notifications, 5,183 addenda and 416 corrigenda to regular and emergency notifications, reaching a grand total of 23,525 notifications and related documents. During the current reporting period (16 September 2017 through 15 September 2018), Members submitted a total of 1,636 notifications, of which 1,185 were regular notifications, 123 emergency notifications, 313 addenda and 15 corrigenda to regular and emergency notifications.

3.4. In April 2004, the Secretariat established a mechanism for Members to inform each other of the availability of unofficial translations of notified SPS measures into one of the official languages of the WTO. These are submitted in the form of supplements to the original notification. As of 15 September 2018, 19 supplement notifications had been circulated. None were submitted in 2018. It is interesting to note that the identical mechanism for sharing translations of notified TBT regulations, which was launched in January 2008, has already resulted in 251 supplement notifications. It is not clear why Members are submitting so few supplement notifications in the SPS area.

⁷ The categories of level of development rely on WTO working definitions as identified in the WTO's Integrated Database (IDB) for analytical purposes (ldb@wto.org). They can be consulted through the SPS IMS by clicking on "definitions of groups" on the top menu bar.

⁸ <http://spsims.wto.org/en/EnquiryPointsNotificationAuthorities/Search>.

⁹ See the Recommended Transparency Procedures (G/SPS/7/Rev.4) for further elaboration on the different types of notifications.

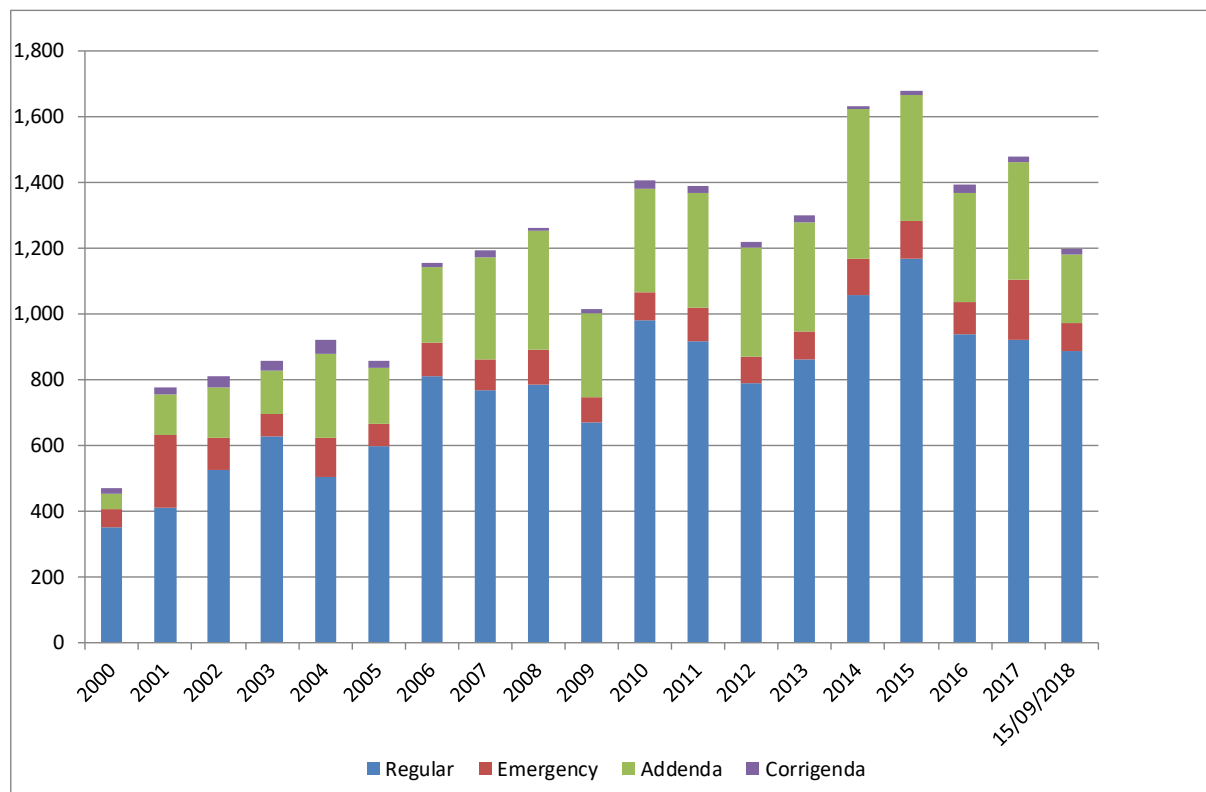
¹⁰ For this Note, submission refers to the date of distribution of the notification.

3.5. In June 2002, the SPS Committee adopted a special format and recommended procedures for the notification of determination of the recognition of equivalence of sanitary or phytosanitary measures. As of 15 September 2018, there have only been two equivalence notifications circulated, one from Panama in 2007 and another from the Dominican Republic in 2008. There have been no new equivalence notifications circulated by WTO Members since 2008.

3.6. In October 2004, the SPS Committee adopted a procedure to enhance transparency of special and differential treatment (S&D) in favour of developing country Members, which included an addendum notification format to inform the Committee on a Member's decision on whether and how S&D may be provided in reference to a specific request. The procedure and addendum notification format were subsequently revised in December 2009¹¹, and, as mentioned earlier, the notification format was incorporated in G/SPS/7/Rev.4 for ease of reference. No S&D notifications have been circulated by WTO Members since 2004.

3.7. As can be seen in Chart 1, there has been a general upward trend in the number of notifications over the years, although after the peak of 1,410 notifications in 2010, there had been a slight decline for the years 2011-2013. In 2015, however, the number of notifications reached a new peak of 1,680, after which it has again been slightly lower. The yearly analysis also captured that the number of notifications increased moderately between 2016 and 2017, from 1,392 to 1,480. The number of notifications submitted by Members continued to increase by 265 additional notifications during the period from 16 September 2017 through 15 September 2018, compared to the same period in the previous year (338 more regular notifications and 73 fewer emergency notifications).

Chart 1 – Notifications submitted per year

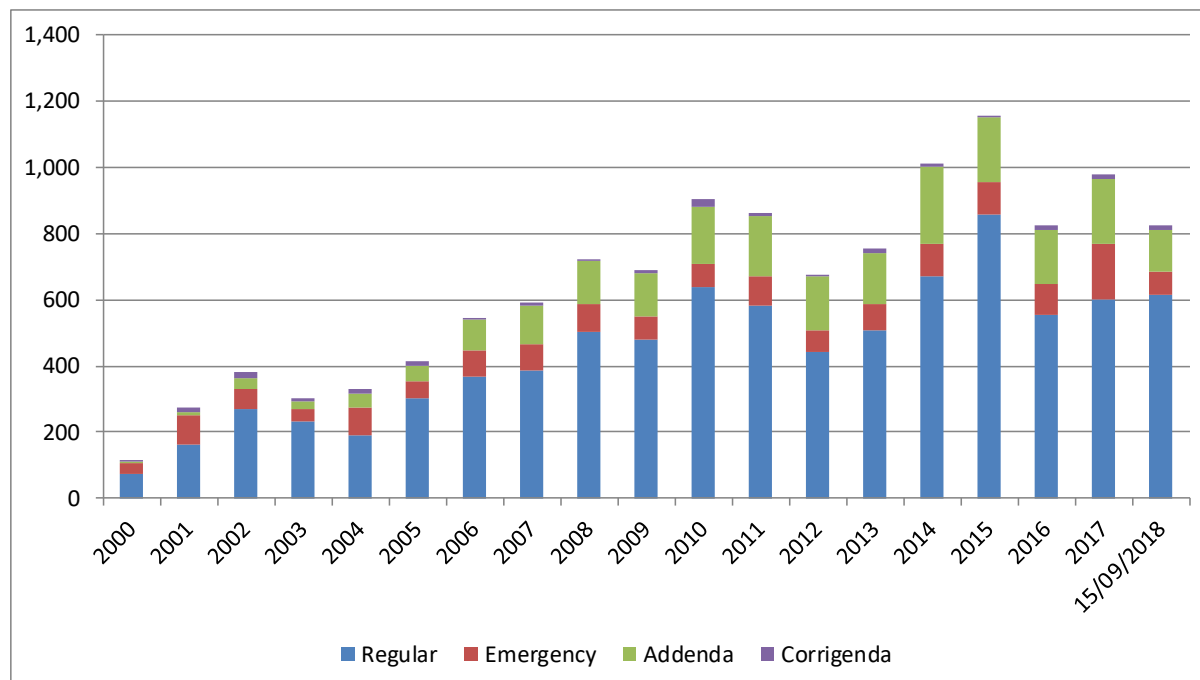


¹¹ See G/SPS/33/Rev.1.

3.2 Notifying Members

3.8. As of 15 September 2018, 127 Members out of 164 (77%) had submitted at least one notification to the WTO. Members which have not submitted any notification so far include 13 developing countries and 15 LDCs. In addition, a number of EU member States have not submitted notifications; however, most SPS measures are notified by the European Union on behalf of all its member States.¹²

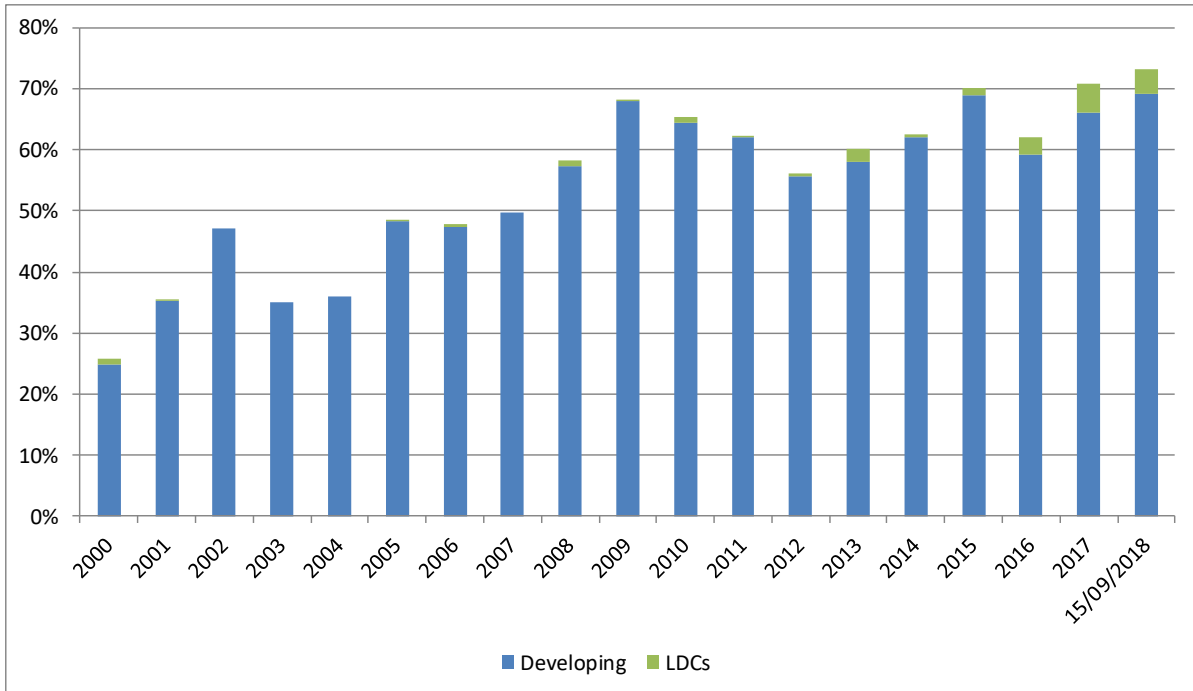
Chart 2 – Notifications by Developing Country Members (including LDCs)



3.9. Chart 2 shows the increase of notifications from developing countries (including LDCs) since 2000. In correlation with the variation in the number of total notifications submitted since 2010, after the peak in that year the numbers dropped for the years 2011-2012. Since then, notifications have increased again each year reaching a new peak in 2015, close to the 1,200 mark. The share of notifications by developing countries and LDCs has varied somewhat since 2000 (see Chart 3). It has consistently been higher than 50% since 2007. From 16 September 2017 to 15 September 2018, developing countries' share of total notifications increased by 13% compared to the same period in the previous year (including LDCs). Indeed, from 1 January to 15 September 2018, the share reached its highest peak of 73% (including LDCs). For LDCs, a similar upward trend can be observed, as their share of total notifications increased to 4.6% during the period from 16 September 2017 to 15 September 2018, from 3.1% during the same period in the previous year.

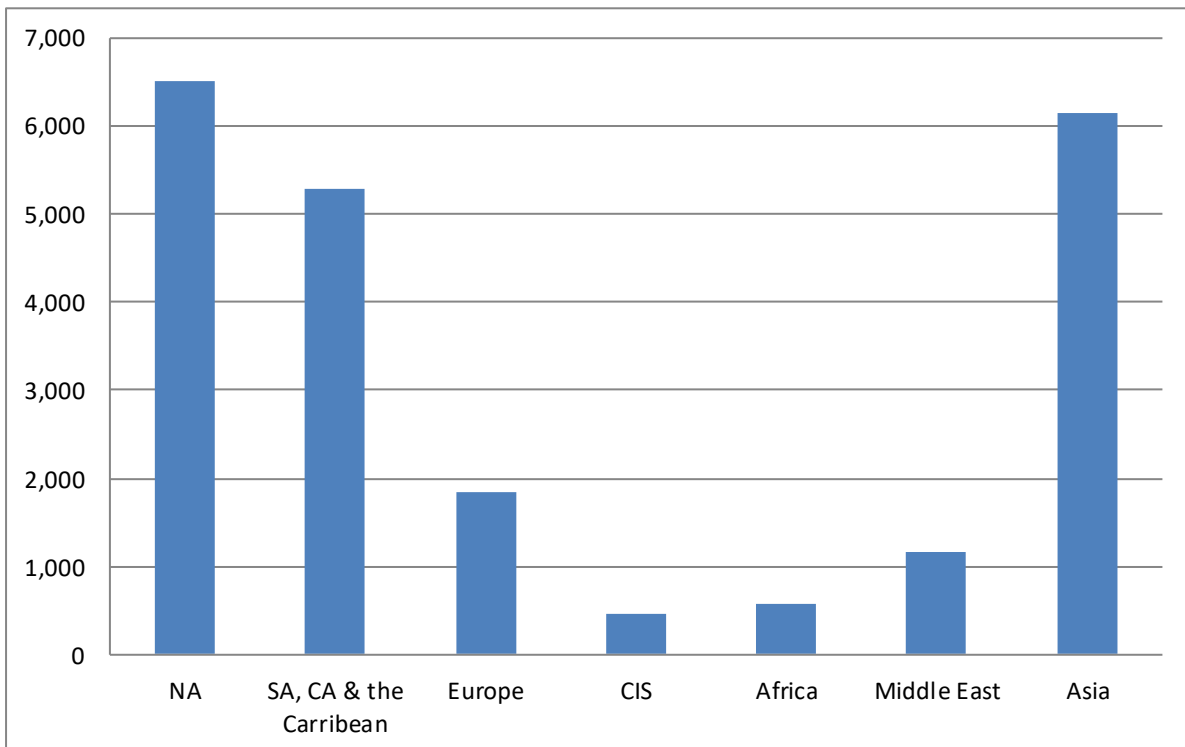
¹² See G/SPS/GEN/456 for notification procedures for the European Union and its member States.

Chart 3 – Share of Total Notifications Submitted by Developing Countries & LDCs



3.10. Looking at the geographic regions from which the notifications submitted since the year 2000 originate, Chart 4 shows that the majority of notifications come from the North America region, followed by Asia, and then South and Central America and the Caribbean.¹³

Chart 4 – Notifications by Geographical Region from 2000 to 15 September 2018



¹³ The geographical groupings used rely on WTO working definitions as identified in the Integrated Database (IDB) for analytical purposes (jdb@wto.org). The same groupings are used in the WTO Annual Reports. They can be consulted through the SPS IMS by clicking on "definitions of groups" on the top menu bar.

3.11. The Members which have submitted the greatest number of notifications (regular and emergency) as of 15 September 2018 are listed in Table 1, while the Members that have submitted the greatest number of notifications in the current reporting period (16 September 2017 to 15 September 2018) are listed in Table 2.

Table 1. Members which have submitted the most notifications since 1995

Regular notifications			Emergency notifications		
Member	Number of notifications	Share of Total	Member	Number of notifications	Share of Total
United States of America	2,942	19%	Philippines	225	11%
Brazil	1,457	9%	Albania	174	8%
Canada	1,223	8%	Saudi Arabia, Kingdom of	172	8%
China	1,194	8%	New Zealand	129	6%
Peru	715	5%	United Arab Emirates	98	5%
European Union	620	4%	United States of America	82	4%
Korea, Republic of	595	4%	Ukraine	81	4%
Japan	589	4%	Colombia	78	4%
Chile	533	3%	Peru	72	3%
Chinese Taipei	472	3%	Russian Federation	72	3%
New Zealand	453	3%	European Union	68	3%
Australia	421	3%	Thailand	46	2%
Mexico	319	2%	Chile	46	2%
Thailand	221	1%	Australia	37	2%
Colombia	217	1%	Mexico	37	2%

Table 2. Members which have submitted the most notifications in the past year (16 September 2017 – 15 September 2018)

Regular notifications			Emergency notifications		
Member	Number of notifications	Share of Total	Member	Number of notifications	Share of Total
Brazil	126	11%	Saudi Arabia, Kingdom of	49	40%
Canada	73	6%	United Arab Emirates	14	11%
Japan	69	6%	Philippines	12	10%
United States of America	68	6%	Chile	8	7%
Peru	63	5%	New Zealand	7	6%
Montenegro	49	4%	Kuwait, the State of	5	4%
Kenya	48	4%	Kazakhstan	4	3%
European Union	40	3%	Russian Federation	4	3%
Korea, Republic of	40	3%	Madagascar	2	2%
Mexico	33	3%	Mauritius	2	2%

3.3 Products covered

3.12. In accordance with paragraphs 5 and 6 of Annex B of the SPS Agreement and the Recommended Transparency Procedures, Members are required to identify the products to be covered by a new or changed SPS measure and should provide the relevant HS codes. Most Members have indicated they would welcome the provision of these codes by their trading partners.¹⁴

¹⁴ See the Analysis of Replies to the Questionnaire on the Operation of Enquiry Points and National Notification Authorities, (G/SPS/GEN/751/Rev.1, paras. 11 and 18) for further elaboration on this point.

However, identifying relevant HS codes is one of the main difficulties encountered by Members when filling in a notification according to the latest questionnaire on transparency.¹⁵

3.13. Since 1995 the WTO's Central Registry of Notifications (CRN) has been assigning, to the extent possible, the relevant HS codes for all notifications where these are not provided by the Member.¹⁶ The SPS NSS also facilitates the inclusion of HS (and ICS) codes by submitting Members through a built-in search function.

3.14. While being only indicative, Table 3 shows the products at the two-digit level of HS codes that are most often covered by regular and emergency notifications.

Table 3. HS Codes assigned to notifications

Regular notifications			
HS Code	Description	Number	Share of Total
(02)	Meat and edible meat offal	1,466	9%
(06)	Live trees and other plants; bulbs, roots and the like; cut flowers and ornamental foliage	1,437	9%
(08)	Edible fruit and nuts; peel of citrus fruit or melons	1,324	8%
(04)	Dairy produce; birds' eggs; natural honey; edible products of animal origin, not elsewhere specified or included Edible fruit and nuts; peel of citrus fruit or melons	1,261	8%
(01)	Live animals	1,206	8%
Emergency notifications			
HS Code	Description	Number	Share of Total
(01)	Live animals	1,207	57%
(02)	Meat and edible meat offal	1,187	56%
(04)	Dairy produce; birds' eggs; natural honey; edible products of animal origin, not elsewhere specified or included	784	37%
(05)	Products of animal origin, not elsewhere specified or included	523	25%
(23)	Residues and waste from the food industries; prepared animal fodder	258	12%

3.4 Regions/countries affected

3.15. The Recommended Transparency Procedures call on Members to identify the regions or countries which are most likely to be affected by the measure being notified. They include a data entry option for this item whereby Members are invited to either select the tick box for "all trading partners" or provide information on specific regions or countries likely to be affected.

3.16. An assessment of notifications submitted in the period between 16 September 2017 and 15 September 2018 indicates that 16% of regular notifications have identified a specific group of countries or a region, while 84% of regular notifications have selected the tick box for "all trading partners". In contrast, 90% of emergency notifications have identified a specific group of countries or a region, and only 10% of emergency notifications indicate "all trading partners". This reflects the fact that emergency actions are frequently taken in response to disease outbreaks in specific countries, territories, or regions.

3.17. The comprehension and work of other Members would be facilitated if more specificity were provided by notifying Members on regions or countries likely to be affected. It is understandable,

¹⁵ See the Analysis of Replies to the Questionnaire on Transparency under the SPS Agreement, (G/SPS/GEN/1402, para. 2.1) for further elaboration on this point.

¹⁶ This information is available in the SPS IMS (<http://spsims.wto.org>).

however, that Members may be hesitant to specifically identify potentially affected countries or regions for fear of not accurately assessing who might be affected when submitting notifications.

3.5 Objective and rationale

3.18. In accordance with paragraphs 5 and 6 of Annex B of the SPS Agreement and the Recommended Transparency Procedures, Members are also required to state the objective and rationale of proposed regulations by selecting one of the following five options: food safety, animal health, plant protection, protect humans from animal/plant pest or disease, and protect territory from other damage from pests. These objectives correspond to the definition of an SPS measure in Annex A, paragraph 1 of the SPS Agreement.

3.19. Table 4 indicates the total number and share of each objective as cited in regular and emergency notifications. It must be noted, however, that many notifications identify more than one objective. Therefore, the table below specifies the total number of times the specific objective was assigned regardless of whether the notifications identified multiple objectives.

3.20. For regular notifications the most frequently cited objective is food safety, followed by plant protection and animal health, while for emergency notifications it is animal health, followed by food safety and protect humans from animal/plant pest or disease.

Table 4. "Objectives" of notified SPS measures in the period between 16 September 2017 – 15 September 2018

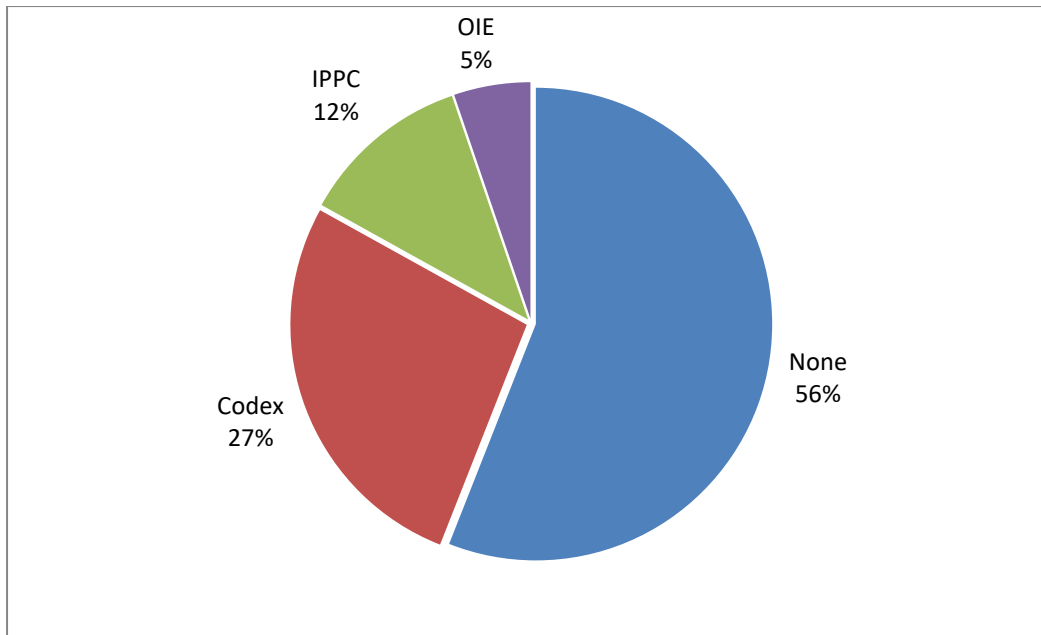
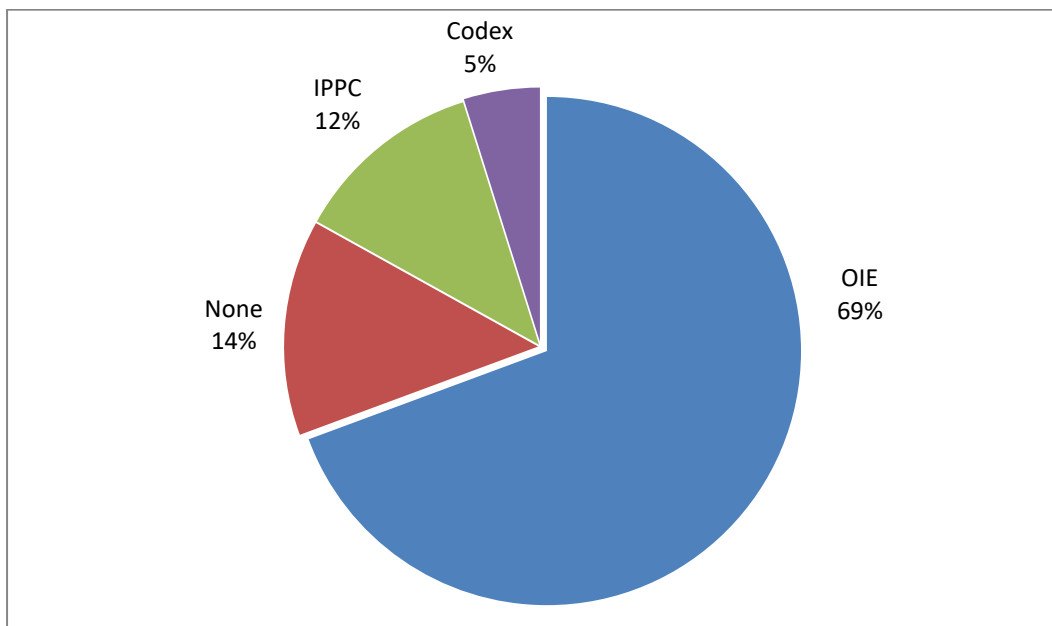
Regular notifications	Notifications	Share
Food Safety	855	72%
Plant Protection	202	17%
Animal Health	144	12%
Protect humans from animal/plant pest or disease	98	8%
Protect territory from other damage from pests	98	8%
Emergency notifications	Notifications	Share
Animal Health	72	59%
Food Safety	65	53%
Protect humans from animal/plant pest or disease	23	19%
Plant Protection	18	15%
Protect territory from other damage from pests	11	9%

3.6 International standards, guidelines or recommendations

3.21. The SPS Agreement does not require Members to notify a measure if its content is substantially the same as that of an international standard adopted by Codex, IPPC or the OIE. Nonetheless, the Recommended Transparency Procedures encourage Members to notify all regulations that are based on, conform to, or are substantially the same as an international standard, guideline or recommendation, if they are expected to have a significant impact on trade of other Members. The notification formats also seek more precision from Members regarding relevant standards and the conformity of the notified measure with these.

3.22. With respect to regular notifications circulated from 16 September 2017 to 15 September 2018, Chart 5 indicates that in 56% of the cases, Members have not identified an international standard as being relevant to the new measure being notified, while 27% have referred to Codex, 12% to the IPPC and 5% to the OIE.

3.23. When it comes to emergency notifications for the same period, Chart 6 shows that only 14% of emergency notifications have not identified an international standard as being relevant to the measure being notified, whereas 69%, 12% and 5% have referred to the OIE, IPPC and Codex respectively as having a relevant international standard. It is reassuring to note that the relevant international standards address many emergency situations, thus providing invaluable guidance to governments on how to protect health in the face of emergencies.

Chart 5 - Regular Notifications referring to a relevant international standard**Chart 6 - Emergency Notifications referring to a relevant international standard**

3.24. The notification formats include an entry asking whether the proposed regulation conforms to the relevant international standard. During the period from 16 September 2017 to 15 September 2018, of the 50% of regular notifications identifying a relevant international standard regarding the measure, 88% indicated that the proposed regulation conformed to that relevant international standard. For the same period, nearly all (98%) of emergency notifications identifying a relevant international standard indicated that the proposed regulation conformed to the relevant international standard.

3.7 Proposed date of adoption/publication/entry into force

3.25. In accordance with paragraphs 1 and 2 of Annex B of the SPS Agreement, Members are obliged to ensure that all SPS regulations which have been adopted are published promptly. Except in urgent circumstances, Members are also obliged to allow a reasonable interval between the publication of a measure and its entry into force. Paragraph 3.2 of the Doha Decision on Implementation-Related Issues and Concerns states that this interval "shall be understood to mean normally a period of not less than 6 months".¹⁷

3.26. The regular notification format contained in the Recommended Transparency Procedures includes separate fields for entering the "proposed date of publication", the "proposed date of adoption" and the "proposed date of entry into force". In addition, it includes a default checkbox for a six-month interval between the publication and entry into force of a new measure.

3.27. For the period from 16 September 2017 through 15 September 2018, 25% (298) of regular notifications included a specific date for adoption, 21% (253) for publication, and 20% (239) for entry into force. In some cases, such dates are not yet determined at the time of the notification, as the nature and extent of comments received on the proposed measure may affect the dates of adoption, publication and entry into force. During the reporting period, 247 regular notifications (21%) had selected the checkbox for a six-month interval between the publication and entry into force of a measure.

3.28. Regarding the regular notifications that indicated a specific date of entry into force, 29% (69) indicate a delay between the date of distribution and the proposed date of entry into force that averaged 123 days. This average masks a very wide range, as the periods in the notifications varied from 1 to 618 days. The remaining notifications, 71% (170), indicated a date of entry into force prior to the date of distribution of the notification, and 36% (62) of these concerned measures identified as trade facilitating.

3.29. As provided for in the Recommended Transparency Procedures, notifying Members sometimes follow up on their original notification with an addendum to alert Members to the adoption, publication, or entry into force of a previously notified proposed measure. During the period of 16 September 2017 to 15 September 2018, about 50% of the addenda indicated the adoption, publication or entry into force of regulations as shown in Table 6 on reasons for addenda to notifications.

3.8 Final date for comments

3.30. Annex B, paragraph 5 of the SPS Agreement provides that notifications should take place at an early stage, when amendments can still be introduced and comments taken into account. The Recommended Transparency Procedures state that the comment period provided for regular notifications should last at least 60 days. Where domestic regulatory mechanisms allow, the 60-day comment period should normally begin with the circulation of the notification by the WTO Secretariat. The notification formats also offer a checkbox option for such a 60-day comment period to encourage Members to follow this recommendation.¹⁸ Between 16 September 2017 and 15 September 2018, this checkbox was selected in 56% (661) of regular notifications.

3.31. An analysis of the notifications issued during the period from 16 September 2017 through 15 September 2018 shows that around 23% of notifications have not provided a comment period (see Table 5). For those that do provide comment periods, these average 54 days when calculated as the difference between the date of circulation of the notification and the final date for comments. On average, developed country Members provided longer average comment periods than developing country Members (60 and 52 days respectively). The overall average comment period for all Members increased slightly (54 this year compared to 52 the year before).

¹⁷ WT/MIN(01)/17 and para. 4.3 of G/SPS/7/Rev.4.

¹⁸ See G/SPS/7/Rev.4, para. 2.8.

Table 5. Comment period provided in regular notifications (16 September 2017 – 15 September 2018)

All Members		
	No.	Share
No. of regular notifications	1,185	-
Comment period not indicated/not available	270	22.8%
Comment period ends before distribution date	30	2.5%
Comment period available	885	74.7%
Average length (in days)	54	
Developed country Members		
	No.	Share
No. of regular notifications	289	-
Comment period not indicated/not available	88	30.4%
Comment period ends before distribution date	1	0.3%
Comment period available	200	69.2%
Average length (in days)	60	
Developing country Members		
	No.	Share
No. of regular notifications	896	-
Comment period not indicated/not available	182	20.3%
Comment period ends before distribution date	29	3.2%
Comment period available	685	76.5%
Average length (in days)	52	

3.32. It should be noted that no comment period needs to be provided in the case of trade facilitating measures. The notification format includes a tick box for specifying whether the notification concerns a trade facilitating measure. From 16 September 2017 through 15 September 2018, 17% of notifications have been identified to be trade facilitating. In addition, as there is no obligation to notify measures if their content is substantially the same as that of an international standard, it is not mandatory to provide a comment period for this category of measures.

3.33. While Members must notify other WTO Members of draft, new or changed measures, they are not required to submit the text of the relevant regulations along with their notifications. However, Members have raised concerns in the SPS Committee regarding the difficulties of accessing the actual text of notified regulations, which are described only in summarized form in notifications. Members have also pointed out that the process of receiving the texts of regulations reduces the period actually available for providing comments.

3.34. Since February 2008, in an effort to address these concerns and facilitate access to notified draft regulations, Members may, on a voluntary basis, provide the Secretariat with an electronic version of the text of the notified draft regulation as an attachment to the notification format. The submitted text is then made electronically accessible to other Members through a hyperlink in the notification format.¹⁹ From 16 September 2017 through 15 September 2018, around 73% of all notifications (82% of regular and 30% of emergency notifications) have provided the full text or a summary of the notified draft regulations using this facility. Members may wish to remind their notification authorities of the availability of this facility.

3.35. Many Members include a hyperlink to their own electronic version of the notified regulation as part of the text of the notification, in addition to or instead of the above facility.

3.9 Reasons for addenda to regular and emergency notifications

3.36. According to the Recommended Transparency Procedures, Members are asked to select from a number of options regarding the reason for an Addendum. Table 6 below shows the share of each option for the period from 16 September 2017 to 15 September 2018:

¹⁹ See G/SPS/7/Rev.4, para. 2.8 and Annex C.

Table 6. Reasons for addenda²⁰

Reason for addenda:	No.	Share
Notification of adoption, publication, or entry into force of regulation	155	50%
Other concerns	88	28%
Modification of content and/or scope of previously notified draft regulation	32	10%
Withdrawal of proposed regulation	17	6%
Modification of final date for comments	12	4%
Change in proposed date of adoption, publication, or entry into force	8	3%

3.37. In addition, Members can notify their decision on whether and how special and differential treatment was provided in reference to a specific request, through another addendum notification format. No Member has ever notified such a decision to the Committee.

4 NOTIFICATION KEYWORDS

4.1. With the SPS IMS, all notifications can also be categorized according to a list of approximately 70 predefined keywords, which describe issues appearing frequently in notifications. The CRN has assigned these keywords since 2003, and they assist searching for notifications in certain areas. While the keywords include the objectives of the notification (e.g., food safety, animal health, plant protection), they also include additional specificity, such as pesticides, maximum residues levels, avian influenza, etc.

4.2. As shown in Table 7, the keywords which have been most frequently assigned to regular notifications, in descending order for the current reporting period, are: human health, food safety, pesticides, maximum residue limits (MRLs) and plant health. For emergency notifications, the most frequent keywords in descending order are: animal diseases, animal health, human health and food safety. It must be noted, however, that the majority of the notifications are assigned more than one keyword. The table below specifies the total number of times the specific keyword was assigned, regardless of whether this objective was specifically identified in the notification itself.

Table 7. "Keywords" of notified SPS measures (16 September 2017 – 15 September 2018)

Regular notifications	Notifications
Human health	893
Food safety	855
Pesticides	298
Maximum residue limits (MRLs)	281
Plant health	253
Pests	149
Animal health	140
Territory protection	96
Animal diseases	68
Contaminants	65
Emergency notifications	Notifications
Animal diseases	89
Animal health	85
Human health	63
Food safety	62
Zoonoses	53
Pest or Disease free Regions / Regionalization	53
Avian Influenza	43
Plant health	16
Pests	15
Territory protection	12

²⁰ Each notification can have multiple entries for the reasons for addenda.

5 EFFORTS TO ENHANCE THE BENEFITS FROM A TRANSPARENT SYSTEM

5.1. In light of the steadily increasing volume of documents, managing the flow of notifications, and coordinating at the national level, benefiting from a transparent system is a challenge for many Members. This is one of the areas where Members have sought technical assistance and guidance on best practices.²¹ Below are some examples of information resources, tools and guidance related to implementing the transparency provisions of the SPS Agreement.

5.2. The SPS IMS is a specialized and detailed information source on SPS notifications, specific trade concerns, National Notification Authorities & Enquiry Point contact information, and other SPS documents. It allows for advanced searches according to specific criteria and also facilitates the creation of custom reports and graphs, which can be shared with interested stakeholders.

5.3. The SPS NSS is an online platform where WTO Members can directly complete and submit notifications. Submission through the SPS NSS allows for notifications to be processed more accurately and efficiently by the WTO Secretariat, making notifications accessible to the membership much more quickly. Interested Members may request login names and access passwords for their National Notification Authorities from the Secretariat.²² To date, 80 Members have requested access to the system, and 42 of these have officially submitted notifications via the SPS NSS.

5.4. The WTO Secretariat provides training on the SPS IMS and NSS as part of its technical assistance programmes. According to the 2015 questionnaire on transparency, a majority of Members expressed a need for technical assistance in order to enhance their transparency mechanisms, and Members that received such technical assistance reported it to be very useful.²³ Transparency workshops, usually organized every other year, provide highly interactive, "hands-on" training on the use of the SPS IMS and SPS NSS. The last one was held in Geneva on 30 and 31 October 2017.²⁴ The next one, on transparency and coordination, is expected to take place in July 2019.

5.5. In addition, a practical manual on the operation of Enquiry Points and Notification Authorities includes guidance for governments to facilitate the implementation of the transparency provisions of the SPS Agreement. While it may be especially useful for developing and least-developed countries (LDCs), it may also be a helpful reference for countries that are acceding to the WTO and establishing NNAs and NEPs, as well as WTO Members in general. This manual has been revised to include the new SPS IMS and NSS platforms, the ePing alert system, and to streamline the content. The updated version of the manual was made available in English on the SPS gateway of the WTO website on 11 October 2018.²⁵ The French and Spanish versions will follow as soon as available. Hard copies can be requested from the WTO Secretariat.

5.6. ePing²⁶ is a publicly available notification alert system. It covers both SPS notifications as well as notifications submitted under the Agreement on Technical Barriers to Trade (TBT). Subscribers are able to receive email alerts regarding SPS & TBT notifications covering particular products and/or markets of interest to them. In addition, users can search and share notifications, upload additional information and related documents, as well as participate in discussion forums. ePing also offers an Enquiry Point Management Tool to facilitate domestic as well as international information sharing and discussion. The system is expected to help public and private stakeholders, in particular small and medium enterprises, to track, consult and comment on measures that are being developed and adapt as necessary to changing regulatory conditions.

5.7. The Standards and Trade Development Facility (STDF) has funded various projects to increase transparency by enhancing inter-agency coordination at the national and/or regional level, as well

²¹ See the Analysis of Replies to the Questionnaire on the Operation of Enquiry Points and National Notification Authorities (G/SPS/GEN/751/Rev.1) for further elaboration on this issue.

²² Two different user names and passwords are provided (a *submitting* user name and a *secondary* user name). Only the submitting user name allows to officially submit the notification to the CRN, but the secondary user name allows other individuals to enter information and review the draft notification.

²³ See the Analysis of Replies to the Questionnaire on Transparency under the SPS Agreement, (G/SPS/GEN/1402, paras. 3.29 and 3.30) for further elaboration on this point.

²⁴ The report of this workshop is contained in document G/SPS/R/89.

²⁵ Practical Manual for SPS National Notifications Authorities and SPS National Enquiry Points can be downloaded from: <http://www.wto.org/spstransparency>.

²⁶ <http://www.epingalert.org>.

as strengthening linkages between government agencies and the private sector. The STDF has developed a framework called P-IMA²⁷ that helps countries prioritize and make choices between competing SPS capacity building needs. It seeks to move towards greater efficiency in the use of scarce resources and to enhance the transparency and accountability of resource allocation decisions. This framework uses a multi-criteria decision analysis (MCDA) approach as well as computer software to help derive priorities. Experiences from developing countries where the framework has been applied show that the process has also been helpful in promoting and creating linkages between the public and private sector. P-IMA will soon be applied in a number of countries in Africa, under an STDF-funded project in partnership with the Common Market for Eastern and Southern African States (COMESA).²⁸ It is also applied through project preparation grants in Madagascar²⁹ and Tajikistan.³⁰

5.8. In 2012, the STDF completed a study to examine national SPS coordination mechanisms in Africa to identify factors that contribute to successful coordination and provide guidance on the establishment and operation of SPS coordination mechanisms.³¹ The study indicates that strengthening coordination among relevant government institutions at the national and sub-national level, and with the private sector, reduces information gaps, promotes synergies in the implementation of SPS measures and enhances the effectiveness of available resources. More recently, attention is also being given to participation of SPS authorities in National Trade Facilitation Committees, under the WTO Trade Facilitation Agreement (TFA). WTO Members are invited to contact the STDF Secretariat (stdfsecretariat@wto.org) to obtain further information on any of the above-mentioned points.

6 OTHER ASPECTS RELATING TO TRANSPARENCY

6.1. As indicated in the introduction, there are a number of areas where the Secretariat is not in a position to provide an overview. These include questions such as the following:

- a. To what extent are Members publishing a notice at an early stage regarding proposals to introduce a particular regulation? (Annex B, paragraph 5(a))
- b. To what extent are translations into English, French or Spanish of proposed regulations available? (Annex B, paragraph 8)
- c. How quickly do Members respond to requests for documents or other information? (Annex B, paragraphs 3 and 5(c))
- d. To what extent are Members providing comments on notifications, and to what extent are these taken into account? (Annex B, paragraph 5(d))

6.2. These are areas where Members have occasionally shared their experiences with the SPS Committee. However, as this information is not provided systematically, it has not been possible to include further details on these questions. Members are encouraged to complement this overview document through submissions to the SPS Committee regarding their own experience in matters related to the transparency provisions of the SPS Agreement.

²⁷ <http://www.standardsfacility.org/prioritizing-sps-investments-market-access-p-ima>.

²⁸ <http://www.standardsfacility.org/PG-606>.

²⁹ <http://www.standardsfacility.org/PPG-575>.

³⁰ <http://www.standardsfacility.org/PPG-561>.

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