

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

I. INTRODUCTION

1. In October 2007, the Secretariat circulated a background document (G/SPS/GEN/804) providing an overview regarding the level of implementation of the transparency provisions of the SPS Agreement. This document was intended to assist Members in their deliberations during the special workshop on transparency held in October 2007 and also during the Committee's discussions under the agenda item on transparency. As one of the recommendations of the workshop on transparency was for the Secretariat to circulate such an overview on a regular basis, the Secretariat has prepared this fourth and updated document.²

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.3). 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).

3. In preparing this overview, the Secretariat has largely relied on the SPS Information Management System (SPS IMS), the public version of which was launched and presented in October 2007 during the transparency workshop.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.

4. At its meeting of April 2008, the SPS Committee adopted the revised Recommended Procedures for Implementing the Transparency Obligations of the SPS Agreement (G/SPS/7/Rev.3, hereafter the "2008 Transparency Procedures"), which took effect on 1 December 2008.⁴ Compared

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 or obligations under the WTO.

² See G/SPS/R/47, para.44 for the recommendations arising from the 2007 workshop on transparency.

³ <http://spsims.wto.org>

⁴ See also footnote 4 of G/SPS/7/Rev.3 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.

to the earlier version of the transparency procedures, which had been adopted by the Committee in 2002, the 2008 Transparency Procedures include 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.

5. While more information is available with the new formats, there is still room for improvement regarding the actual amount and quality of information provided by Members in the various notification formats. During 2011, a procedure for the on-line submission of notifications by Members was introduced, based on the new formats. The SPS Notification Submission System (NSS) should assist Members to be more precise in their notifications, and speed up the processing and circulation of notifications to all Members.⁵

II. DESIGNATION OF NOTIFICATION AUTHORITIES AND ENQUIRY POINTS

6. 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 also referred to as the "SPS Notification Authority". As of 30 September 2011, 140 WTO Members out of 153, i.e. two more than last year, had designated an "SPS Notification Authority".⁶ Those which have not include seven least developed countries (LDCs) and six developing countries.⁷

7. 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 30 September 2011, 147 WTO Members out of 153, i.e. one more than the previous year, had provided the WTO with the contact information of their Enquiry Point.⁸ Those which have not include four LDCs and two developing countries.⁹

III. SUBMISSION OF NOTIFICATIONS

8. 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 2008 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.

Types of notifications

9. 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.¹⁰ An addendum is used to provide additional information or changes to an original notification, for example if the products covered by the proposed regulation has

⁵ See para. 46 for more information.

⁶ The two Members are: Lesotho and Maldives.

⁷ The categories of level of development rely on WTO working definitions as identified in the WTO's Integrated Database (IDB) for analytical purposes. They can be consulted through the SPS IMS by clicking on "definitions of groups" on the left-hand side menu bar. The most up-to-date information on Members' notification authorities can be accessed through the SPS IMS by clicking on "Enquiry Points/Notification Authorities" on the left-hand side menu bar.

⁸ The Members is: Togo.

⁹ The most up-to-date information on Members' Enquiry Points can be accessed through the SPS IMS by clicking on "Enquiry Points/Notification Authorities" on the left-hand side menu bar.

¹⁰ See the Recommended Procedures for Implementing the Transparency Obligations of the SPS Agreement (G/SPS/7/Rev.3) for further elaboration on the different types of notifications.

been modified or if the comment period has been extended. 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.

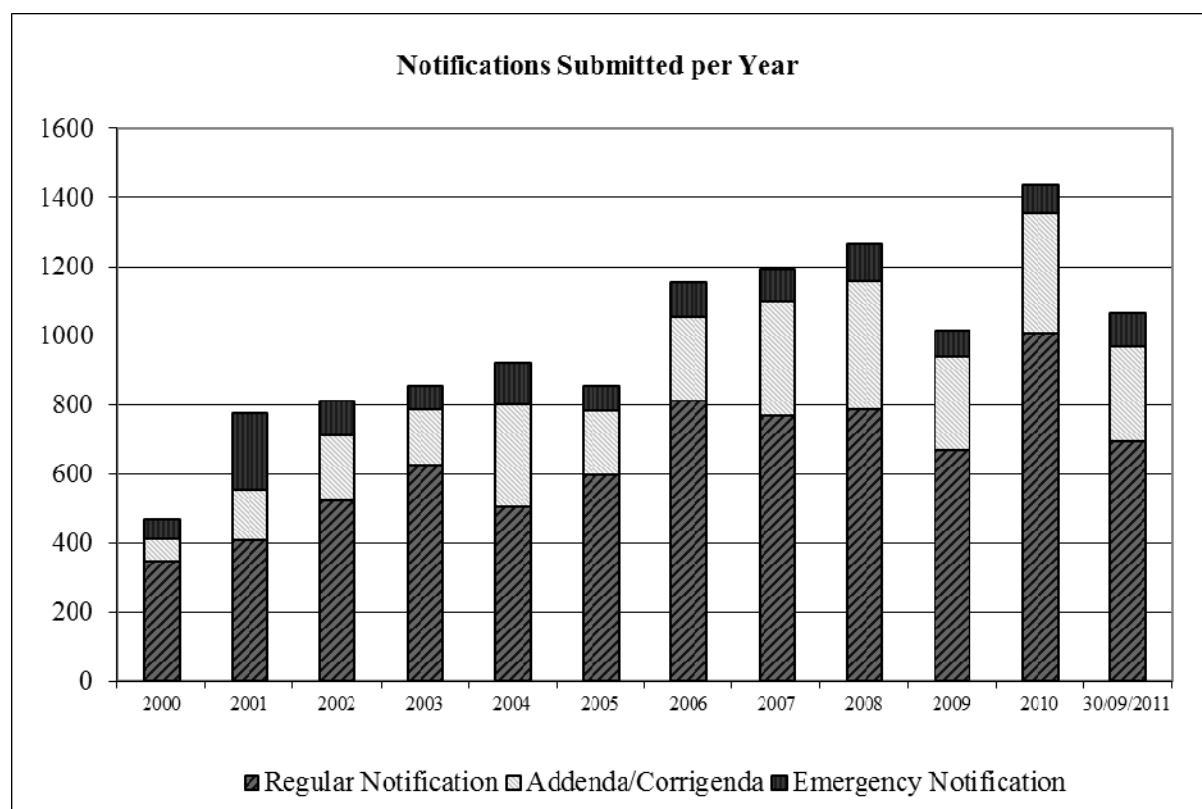
10. As of 30 September 2011, Members had submitted 9,021 regular notifications, 1,345 emergency notifications, and 2,980 addenda and corrigenda to regular and emergency notifications.

11. 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 30 September 2011, 14 supplement notifications had been circulated. Only two have been submitted in 2011. 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 over 233 supplement notifications, although only 13 supplement notifications were submitted this year. It is not clear why Members are submitting so few supplement notifications in the SPS area.

12. In addition, 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 30 September 2011, two equivalence notifications were circulated, one from Panama in 2007 and another from the Dominican Republic in 2008.

13. Considering all types of notifications together, a total of 13,349 notifications were submitted to the WTO from 1 January 1995 to 30 September 2011. As can be seen in Figure 1, there has been an upward trend in the number of notifications over the years, with the total number of notifications reaching a peak of 1,436 in the year 2010.

Figure 1



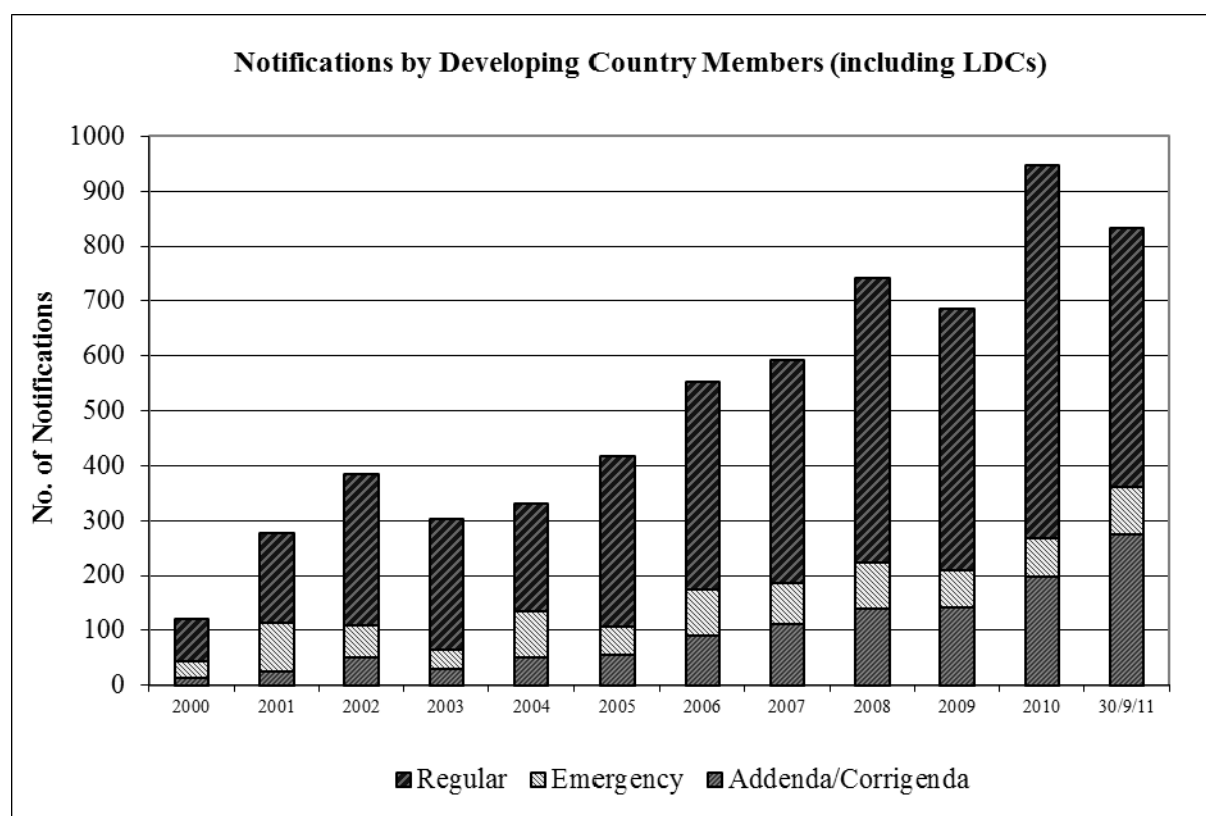
14. While the increase in notifications could be regarded as a sign of enhanced transparency, it should be kept in mind that these statistics on notifications do not necessarily provide an indication of the extent to which new or changed SPS measures are indeed being notified to the WTO.

Notifying Members

15. As of 30 September 2011, 102 Members out of 153 (67 per cent) had submitted at least one notification to the WTO. Members which have not submitted any notification so far include 19 developing countries, 21 LDCs, and one developed country. 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.¹¹

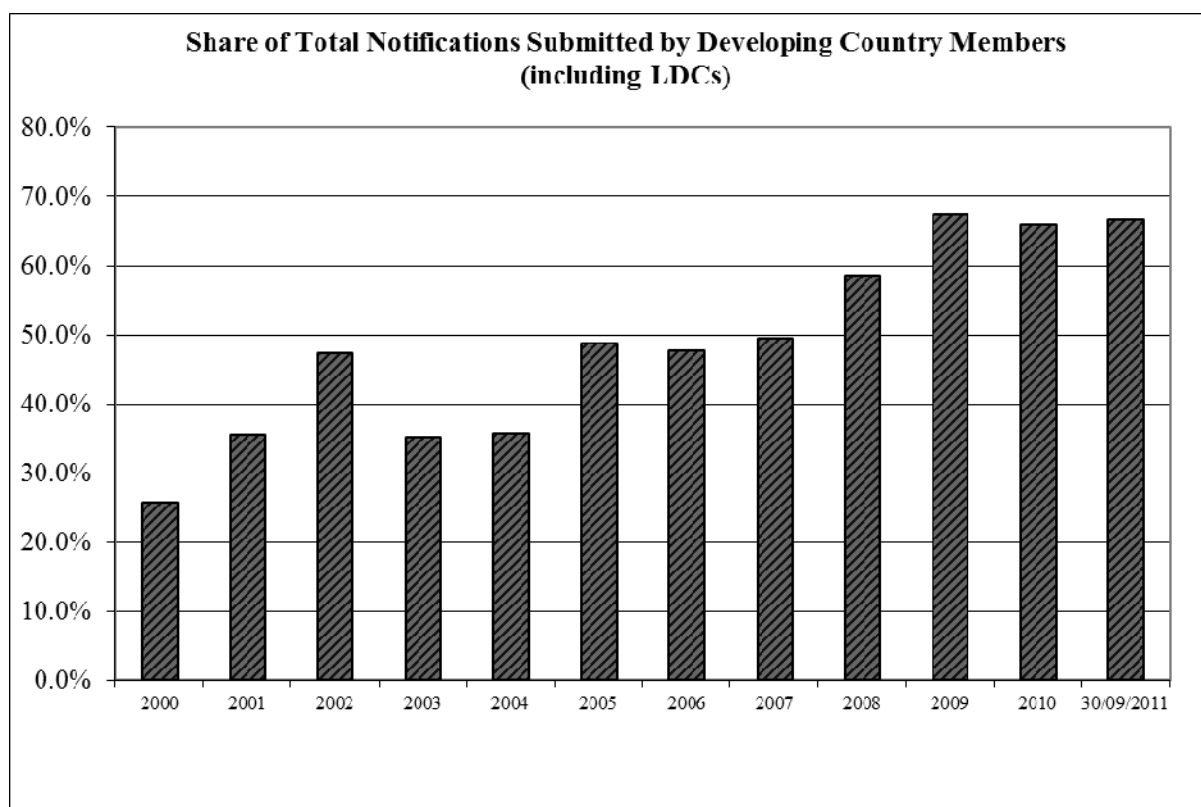
16. As can be seen in Figure 2, there has been a steady increase in the number notifications from developing country Members (which include LDCs) over the years. Not only has the number of notifications been growing, but also the share of total notifications from developing country Members (see Figure 3) with a peak of over 67 per cent in the year 2009. Compared to the same period of time last year, the share of notifications from developing countries has slightly decreased from 68.4 to 67 per cent, as well as the share from LDCs from 1.2 to 0.1 per cent.

Figure 2



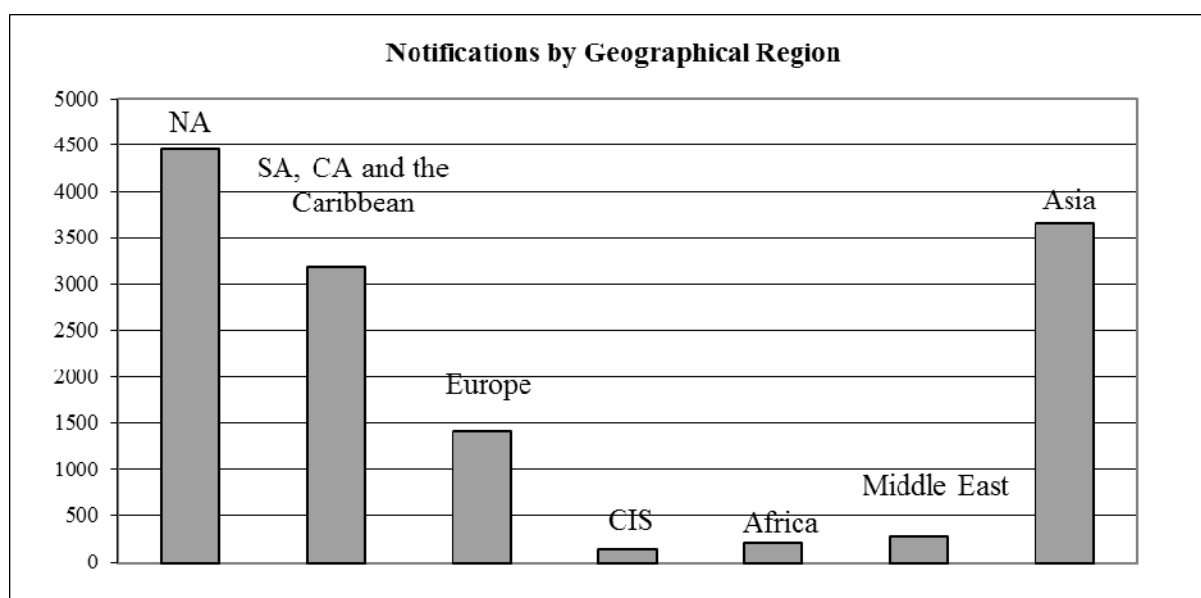
¹¹ See G/SPS/GEN/456 for notification procedures for the European Union and its member States.

Figure 3



17. Looking at the geographic regions from which the notifications originate, Figure 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.¹²

Figure 4



¹² The geographical groupings used rely on WTO working definitions as identified in the Integrated Database (IDB) for analytical purposes. 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 left-hand side menu bar.

18. The Members which have submitted the greatest number of notifications (regular and emergency) as of 30 September 2011, are listed in Table 1, while the Members that have submitted the greatest number of notifications in the past year (1 October 2010 to 30 September 2011) are listed in Table 2:

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

| Regular Notifications | | | Emergency Notifications | | |
|-----------------------|------|----------------|-------------------------|-----|----------------|
| Member | No. | Share of Total | Member | No. | Share of Total |
| United States | 2192 | 25.1% | Albania | 125 | 9.4% |
| Brazil | 775 | 8.9% | Philippines | 114 | 8.6% |
| China | 592 | 6.8% | New Zealand | 102 | 7.7% |
| Canada | 567 | 6.5% | United States | 84 | 6.3% |
| Korea, Republic of | 378 | 4.3% | Colombia | 73 | 5.5% |
| European Union | 370 | 4.2% | Peru | 61 | 4.6% |
| New Zealand | 365 | 4.2% | Ukraine | 56 | 4.2% |
| Chile | 346 | 4.0% | European Union | 49 | 3.7% |
| Peru | 337 | 3.9% | Thailand | 40 | 3.0% |
| Japan | 269 | 3.1% | Mexico | 36 | 2.7% |
| Australia | 254 | 2.9% | Canada | 29 | 2.2% |
| Taipei, Chinese | 248 | 2.8% | Chile | 27 | 2.0% |
| Mexico | 192 | 2.2% | China | 27 | 2.0% |
| Thailand | 174 | 2.0% | Kenya | 27 | 2.0% |
| Colombia | 159 | 1.8% | Latvia | 24 | 1.8% |
| Argentina | 137 | 1.6% | Australia | 24 | 1.8% |
| Bahrain, Kingdom of | 110 | 1.3% | Korea, Republic of | 22 | 1.7% |
| Costa Rica | 98 | 1.1% | Singapore | 19 | 1.4% |
| Philippines | 92 | 1.1% | Argentina | 19 | 1.4% |
| El Salvador | 90 | 1.0% | Jordan | 17 | 1.3% |

**Table 2. Members which have submitted the most notifications in the past year
(1 October 2010 –30 September 2011)**

| Regular Notifications | | | Emergency Notifications | | |
|-----------------------|-----|----------------|-------------------------|-----|----------------|
| Member | No. | Share of Total | Member | No. | Share of Total |
| United States | 175 | 18.5% | Ukraine | 30 | 26.3% |
| China | 161 | 17.1% | Colombia | 15 | 13.2% |
| Brazil | 114 | 12.1% | Philippines | 12 | 10.5% |
| Canada | 83 | 8.8% | Albania | 10 | 8.8% |
| Peru | 44 | 4.7% | United States | 8 | 7.0% |
| Chile | 36 | 3.8% | Kingdom of Saudi Arabia | 6 | 5.3% |
| Taipei, Chinese | 28 | 3.0% | China | 5 | 4.4% |
| European Union | 23 | 2.4% | Thailand | 5 | 4.4% |
| Japan | 23 | 2.4% | Chinese Taipei | 4 | 3.5% |
| Bahrain, Kingdom of | 22 | 2.3% | Chile | 3 | 2.6% |
| Australia | 21 | 2.2% | Bahrain, Kingdom of | 2 | 1.8% |
| New Zealand | 20 | 2.1% | Brazil | 2 | 1.8% |

Products covered

19. In accordance with paragraphs 5 and 6 of Annex B of the SPS Agreement and the 2008 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.¹³

20. Since 1995 the WTO's Central Registry of Notifications (CRN) has been assigning, to the extent possible, the relevant HS codes for all notifications.¹⁴

21. 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 | Share of total |
| (02) | meat and edible meat offal | 22.0% |
| (01) | live animals | 13.8% |
| (08) | edible fruit and nuts; peel of citrus fruit or melons | 8.0% |
| (04) | dairy produce; birds' eggs; natural honey; edible products of animal origin, not elsewhere specified or included | 7.4% |
| (07) | edible vegetables and certain roots and tubers | 6.2% |

¹³ 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.

¹⁴ This information is now available in the SPS IMS.

| Emergency notifications | | |
|--------------------------------|--|-----------------------|
| HS Code | Description | Share of total |
| (02) | meat and edible meat offal | 31.9% |
| (01) | live animals | 30.1% |
| (04) | dairy produce; birds' eggs; natural honey; edible products of animal origin, not elsewhere specified or included | 10.5% |
| (05) | Products of animal origin, not elsewhere specified or included | 7.9% |
| (23) | residues and waste from the food industries; prepared animal and animal fodder | 5.4% |

Regions/countries affected

22. The Transparency Procedures call on Members to identify the regions or countries which are most likely to be affected by the measure being notified. An assessment of notifications submitted in the period between 1 July 2007 and 1 October 2011 indicate that around 13 per cent of regular notifications have identified a specific group of countries or a region, while the remaining contain general references such as "all trading partners", "all countries", etc. In contrast, almost 54 per cent of emergency notifications have identified a specific group of countries or a region. During this same period, around 31 per cent of all regular and emergency notifications have left this box blank.

23. The 2008 Transparency Procedures include a modified 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. In the year between 1 July 2010 and 30 September 2011, around 82 per cent of regular notifications have selected the tick box for "all trading partners", while the share is only roughly 11 per cent for emergency notifications. This reflects the fact that emergency actions are frequently taken in response to disease outbreaks in specific countries, territories, or regions.

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

Objective and rationale

25. In accordance with paragraphs 5 and 6 of Annex B of the SPS Agreement and the 2008 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.

26. 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.

27. For regular notifications, the most frequently cited objective is food safety, while for emergency notifications it is animal health.

**Table 4. "Objectives" of notified SPS measures in the period between
1 July 2007 - 30 September 2010**

| Regular Notifications | | |
|--|---------------|-------------------|
| | Notifications | Share over period |
| Food Safety | 2,362 | 37.7% |
| Animal Health | 527 | 8.4% |
| Plant Protection | 1001 | 16.0% |
| Protect humans from animal / plant pest or disease | 2,054 | 32.8% |
| Protect territory from other damage from pests | 323 | 5.2% |
| Emergency Notifications | | |
| | Notifications | Share over period |
| Food Safety | 172 | 20.2% |
| Animal Health | 304 | 35.6% |
| Plant Protection | 79 | 9.3% |
| Protect humans from animal / plant pest or disease | 235 | 27.6% |
| Protect territory from other damage from pests | 63 | 7.4% |

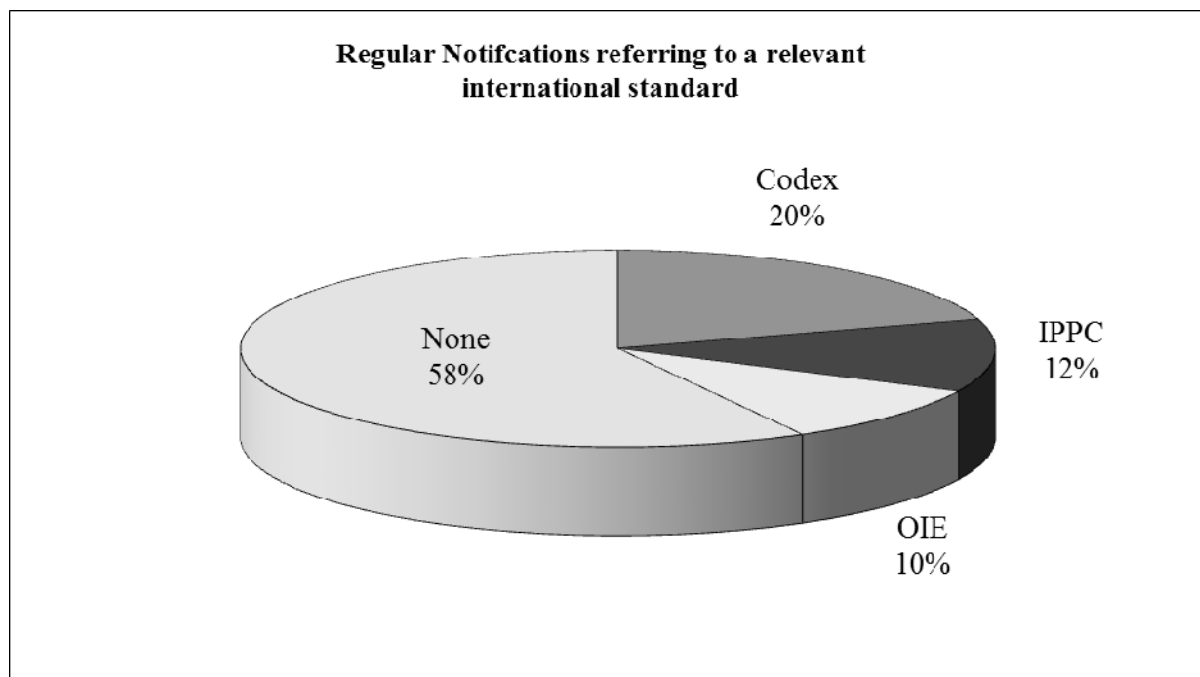
International standards, guidelines or recommendations

28. 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 2008 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 revised formats also seek to get more precision from Members regarding relevant standards and the conformity of the notified measure with these.

29. With respect to regular notifications circulated in more than four years from 30 June 2007 to 30 September 2011, Figure 5 indicates that in 58 per cent of the cases, Members have not identified an international standard as being relevant to the new measure being notified. Of the remaining notifications, 20 per cent have referred to Codex, 10 per cent to the OIE and 12 per cent to the IPPC.

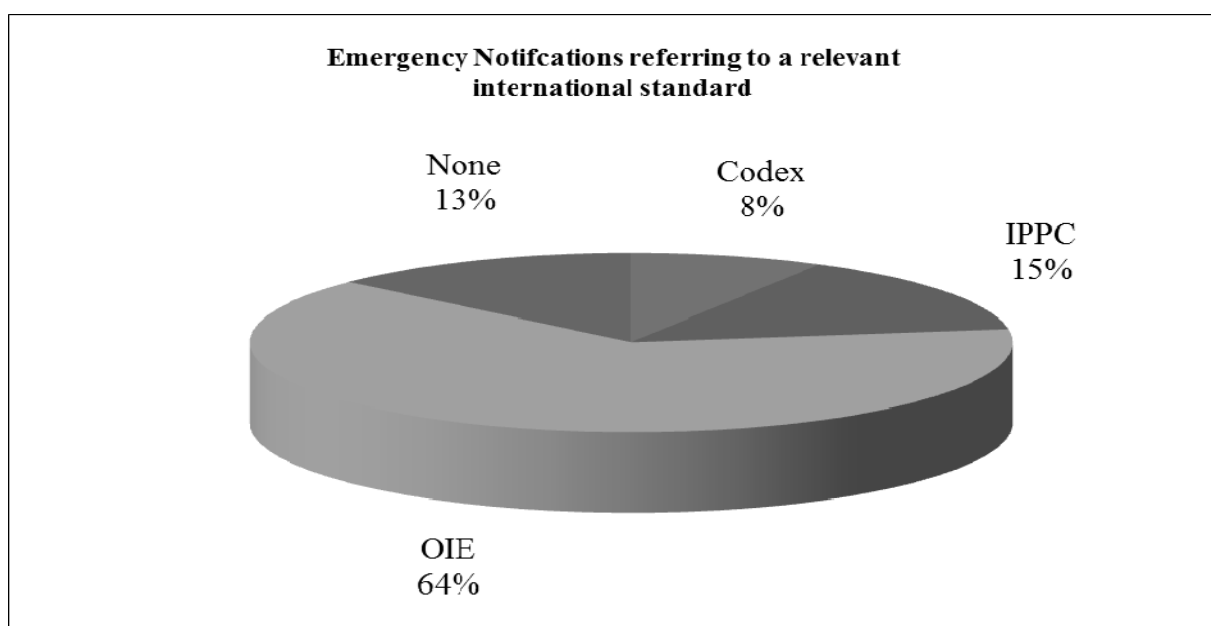
30. Figure 6 shows that for the same period, only 13 per cent of emergency notifications have not identified an international standard as being relevant to the measure being notified, while 64 per cent, 15 per cent and 8 per cent have referred to the OIE, IPPC and Codex as having a relevant international standard, respectively. It is reassuring to note that the relevant international standards address so many of the emergency situations, thus providing invaluable guidance to governments on how to protect health in the face of emergencies.

Figure 5



31. The revised notification formats include a new entry asking whether the proposed regulation conforms to the relevant international standard. During the period from 1 December 2008 to 30 September 2011, 41 per cent of regular notifications have stated that a relevant international standard from either OIE, IPPC or Codex exists regarding the measure, and of these 27 per cent have indicated that the proposed regulation conforms to that relevant international standard. For the same period, 84 per cent of emergency notifications have stated that there is a relevant international standard from either OIE, IPPC or Codex and of these, 59 per cent have indicated that the proposed regulation conforms to the relevant international standard.

Figure 6



Proposed date of adoption/publication/entry into force

32. 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".¹⁵

33. The revised regular notification format contained in the 2008 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.

34. For the period from 1 July 2010 through 30 September 2011, 31 per cent of regular notifications included a specific date for adoption, 30 per cent for publication, and 29 per cent for entry into force. Thus the majority of regular notifications do not provide specific dates in these three fields. 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 same period, only 67 regular notifications (roughly six per cent) had selected the checkbox for a six-month interval between the publication and entry into force of a measure.

35. As provided for in the 2008 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 1 July 2010 to 30 September 2011, around 60 per cent of the addenda indicated the adoption, publication or entry into force of regulations as shown in Table 6.

Final date for comments

36. 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 2008 Transparency Procedures state that a 60-day comment period should be provided with respect to regular notifications. An analysis of the notifications issued during the period from 1 July 2010 through 30 September 2011 shows that around 36 per cent 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 deadline or final date for comments.

37. A more detailed analysis shows that developing country Members provide a longer comment period, on average, than developed country Members (56 days compared to 50 days). This is the reverse of the situation found last year where developed countries provided longer comment periods on average. It is also important to note the significant progress in recent years for developing country Members in terms of the increase in the percentage of their notifications that provide a comment period. This figure has increased from 62 per cent for the time period analyzed in the first revision of this document (June 2007 - August 2008) to the current 76 per cent.

38. The 2008 Transparency Procedures have further elaborated on the 60-day comment period. Where domestic regulatory mechanisms allow, the 60-day comment period should normally begin with the circulation of the notification by the WTO Secretariat. The revised formats also offer a

¹⁵ WT/MIN(01)/17.

checkbox option for such a 60-day comment period to encourage Members to follow this recommendation.¹⁶ During the same period, this checkbox has been selected in about 43 per cent of notifications.

39. It should be noted that no comment period needs to be provided in the case of trade facilitating measures. The 2008 Transparency Procedures include a new tick box for specifying whether the notification concerns a trade facilitating measure. From 1 July 2010 through 30 September 2011, 23 per cent 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, no comment period is expected for this category of measures.

Table 5 . Comment period provided in regular notifications (1 July 2010 - 30 September 2011)

| All Members | | |
|---|------------|--------------|
| | No. | Share |
| No. of Regular Notifications | 1157 | - |
| Comment Period Not Indicated / Not Available | 314 | 36.2% |
| Comment Period Ends before Distribution Date | 8 | 0.9% |
| Comment Period Available | 843 | 72.9% |
| Average Comment Period provided | 54.04 | |
| Developed country Members | | |
| | No. | Share |
| No. of Regular Notifications | 448 | - |
| Comment Period Not Indicated / Not Available | 142 | 16.4% |
| Comment Period Ends before Distribution Date | 4 | 0.5% |
| Comment Period Available | 306 | 68.3% |
| Average Comment Period provided | 50.06 | |
| *Out of the 112 Not indicated / Not Available: 60 were trade facilitating measures; 8 specified that comments could be submitted anytime | | |
| Developing country Members | | |
| | No. | Share |
| No. of Regular Notifications | 709 | - |
| Comment Period Not Indicated / Not Available | 172 | 19.8% |
| Comment Period Ends before Distribution Date | 4 | 0.5% |
| Comment Period Available | 537 | 75.7% |
| Average Comment Period provided | 55.98 | |
| **Out of the 149 Not indicated / Not Available: 61 were trade facilitating measures; 14 specified that comments could be submitted anytime | | |

Text available from

40. While Members are obligated to 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 repeatedly raised concerns in the SPS Committee regarding

¹⁶ See G/SPS/7/Rev.3, para.13.

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. In an effort to address these concerns and facilitate access to notified draft regulations, the Secretariat launched a new facility on 1 February 2008. Members may, on a voluntary basis, provide the Secretariat with an electronic version of the text of the notified regulation as an attachment to the notification format. The submitted text is then electronically accessible to other Members through a hyperlink in the notification format.¹⁷ From 1 July 2010 through 30 June 2011, around 79 per cent of notifications have provided the full text or a summary of their notified regulations using this facility. There has been roughly a three-fold increase in the percentage of notifications including these attachments when compared to last year's 25 per cent. Members may wish to remind their notification authorities of the availability of this facility.

41. Some Members include a hyperlink to their own electronic version of the notified regulation as part of the text of the notification.

Reasons for addenda to regular and emergency notifications

42. The 2008 Transparency Procedures have also added a new feature to the addenda to regular and emergency notification formats. Members are asked to select from a number of options regarding the reason for the Addendum. Table 6 below shows the share of each option for the period from July 2010 through September 2011:

Table 6. Reasons for addenda¹⁸

| Reason for addenda: | No. | Share |
|--|------------|--------------|
| Modification of final date for comments | 65 | 14.3% |
| Notification of adoption, publication or entry into force of regulation | 271 | 59.7% |
| Modification of content and/or scope of previously notified draft regulation | 45 | 9.9% |
| Withdrawal of proposed regulation | 22 | 4.8% |
| Change in proposed date of adoption, publication or date of entry into force | 9 | 2.0% |
| Others | 42 | 9.3% |

Notification keywords

43. 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. These keywords assist searching for notifications in certain areas. The keywords which have been most frequently assigned to regular notifications, in descending order, are: human health, food safety, pesticides, plant health, maximum residue limits, animal health and food additives. For emergency notifications, the most frequent keywords in descending order are: animal health, animal diseases, regionalization, human health, food safety, zoonoses, food and mouth disease.

¹⁷ See G/SPS/7/Rev.3, para. 22 and Annex C.

¹⁸ Each notification can have multiple entries for the reasons for addenda.

IV. RECENT EFFORTS TO ENHANCE THE BENEFITS FROM A TRANSPARENT SYSTEM

44. In light of the steadily increasing volume of documents, managing the flow of notifications, coordinating at the national level, and benefiting from a transparent system has become a challenge for Members. The replies to a Questionnaire in 2007 on the Operation of Enquiry Points and National Notification Authorities indicates that this is one of the areas where Members are seeking technical assistance and guidance on best practices.¹⁹

45. There have been some recent efforts to address this issue. The public version of the SPS IMS was launched in October 2007. Its trilingual interface allows access to the most recent information on notifications as well as on Enquiry Points and National Notification Authorities. It also includes information on specific trade concerns and other SPS documents. It facilitates the conduct of searches according to specific needs/interests and also the preparation of reports/summaries which can be shared with interested stakeholders. The WTO Secretariat has provided demonstration sessions on the SPS IMS during the SPS Committee meetings and during its technical assistance programmes. It has also responded to ad hoc requests from Members and other interested parties for assistance.

46. At the March 2011 meeting, the Secretariat launched the new SPS Notification Submission System (SPS NSS) which allows National Notification Authorities to fill out and submit SPS notifications online. The SPS NSS allows for more accurate and complete notifications, and a substantial reduction in the time required for the WTO to circulate them. The system was made available to Members on 1 June 2011 upon request. Interested Members are requested to send an e-mail to the Secretariat so that their National Notification Authorities can receive their login names and access passwords. To date, 23 Members have requested and been given access to the system, and ten of these have officially submitted notifications via the SPS NSS.

47. The Secretariat has also established a mentoring mechanism which aims to bring together those individuals who are fulfilling the functions of Enquiry Points and Notification Authorities in different Members.²⁰ The objective of this voluntary procedure is to assist Members in not only implementing their obligations with respect to the transparency provisions but also in benefiting from their rights. So far 19 Members seeking mentoring assistance have been matched with nine Members offering mentoring assistance. Members offering mentoring assistance are Argentina, Australia, Chile, China, Colombia, European Communities, New Zealand, Switzerland and the United States.

48. In addition, New Zealand, with the assistance of Australia and the Secretariat, has developed a practical Manual on the operation of Enquiry Points and Notification Authorities. It includes guidance on how to prepare a notification, how to manage incoming notifications, how to alert stakeholders, and how to draft some standard letters. This manual is now available in English, French and Spanish. Hard copies can be requested from the WTO Secretariat and electronic copies can be downloaded from the SPS gateway of the WTO website.²¹

49. The training and technical assistance activities of the WTO Secretariat on the SPS Agreement also devote a significant amount of time to transparency issues. In addition, the Standards and Trade Development Facility (STDF) has funded various projects to increase transparency by enhancing inter-agency coordination at a national and/or regional level, as well as strengthening linkages between government agencies and the private sector. The STDF published a scoping study that identifies and assesses the myriad of regional SPS policy frameworks and strategies in Africa, in order

¹⁹ 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.

²⁰ See G/SPS/W/217.

²¹ Go to http://www.wto.org/english/tratop_e/sps_e/transparency_toolkit_e.htm.

to avoid multiplication of transparency requirements, and guide future work in this area. The STDF is also completing a study to examine national SPS coordination mechanisms in Africa as a means to identify factors that contribute to successful coordination mechanisms and how they could be replicated elsewhere.

V. OTHER ASPECTS RELATING TO TRANSPARENCY

50. 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:

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

51. 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.
