

**Committee on Sanitary and Phytosanitary Measures**

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

Note by the Secretariat<sup>1</sup>

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. The 2007 workshop recommended that the Secretariat prepare such an overview on a regular basis.<sup>2</sup> This sixth updated document should provide a useful background to the 15-16 October 2012 workshop on transparency.

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.<sup>3</sup> 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 will be provided as part of the October 2012 workshop.

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

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<sup>1</sup> 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.

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

<sup>3</sup> <http://spsims.wto.org>

1 December 2008.<sup>4</sup> Compared 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) assists Members to be more precise in their notifications, and speeds up the processing and circulation of notifications to all Members.<sup>5</sup>

## **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 15 September 2012, 144 WTO Members out of 157, i.e. four more than last year, had designated an "SPS Notification Authority".<sup>6</sup> Those which have not include seven least developed countries (LDCs) and six developing countries.<sup>7</sup>

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 15 September 2012, 151 WTO Members out of 157, i.e. four more than the previous year, had provided the WTO with the contact information of their Enquiry Point.<sup>8</sup> Those which have not include four LDCs and two developing countries.<sup>9</sup>

## **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.

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<sup>4</sup> 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.

<sup>5</sup> See para. 46 for more information.

<sup>6</sup> The four Members are: Cape Verde, Central African Republic, Samoa and Togo.

<sup>7</sup> 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.

<sup>8</sup> The four Members are: Cape Verde, Central African Republic, the Russian Federation and Samoa.

<sup>9</sup> 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.

*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.<sup>10</sup> 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 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 15 September 2012, Members had submitted 9,791 regular notifications, 1,420 emergency notifications, and 3,322 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 15 September 2012, 15 supplement notifications had been circulated. Only one was submitted in 2012. 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 238 supplement notifications, although only five more supplement notification were submitted this year. It is not clear why Members are submitting so few supplement notifications in the SPS area.

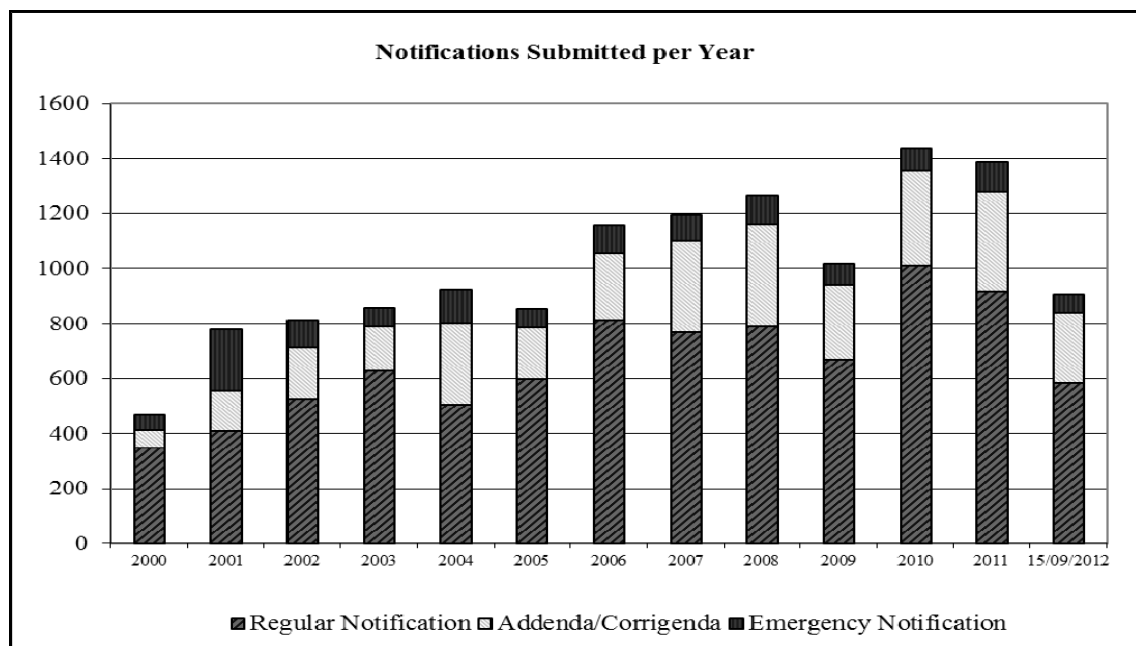
12. In addition, in June 2002 the SPS Committee adopted a special format and recommended procedures for the notification of determination of the recognition of equivalence of sanitary or phytosanitary measures. As of 15 September 2012, there have only been two equivalence notifications circulated, one from Panama in 2007 and another from the Dominican Republic in 2008.

13. Considering all types of notifications together, a total of 14,550 notifications were submitted to the WTO from 1 January 1995 to 15 September 2012. As can be seen in Figure 1, there has been a general 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. However, for the last two years, the number of notifications submitted has experienced a decrease. From the year 2010 to 2011 there was a decrease, although minimal, of 3 per cent in the number of submitted notifications, whereas the decrease in 2012 (from January 2012 through 15 September 2012) compared to the same period for 2011, was of 13.8 per cent.

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<sup>10</sup> 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.

Figure 1



#### Notifying Members

14. As of 15 September 2012, 104 Members out of 157 (66 per cent) had submitted at least one notification to the WTO. Members which have not submitted any notification so far include 20 developing countries, 24 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.<sup>11</sup>

15. As can be seen in Figure 2, the number of notifications from developing countries (which include LDCs) has dropped significantly in the period 1 January - 15 September 2012. However the share of total notifications from developing country Members (see Figure 3) continues to be high, 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 decreased from 65 to 54 per cent, while the share from LDCs showed a slight increase from 0.1 to 0.2 per cent.

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

Figure 2

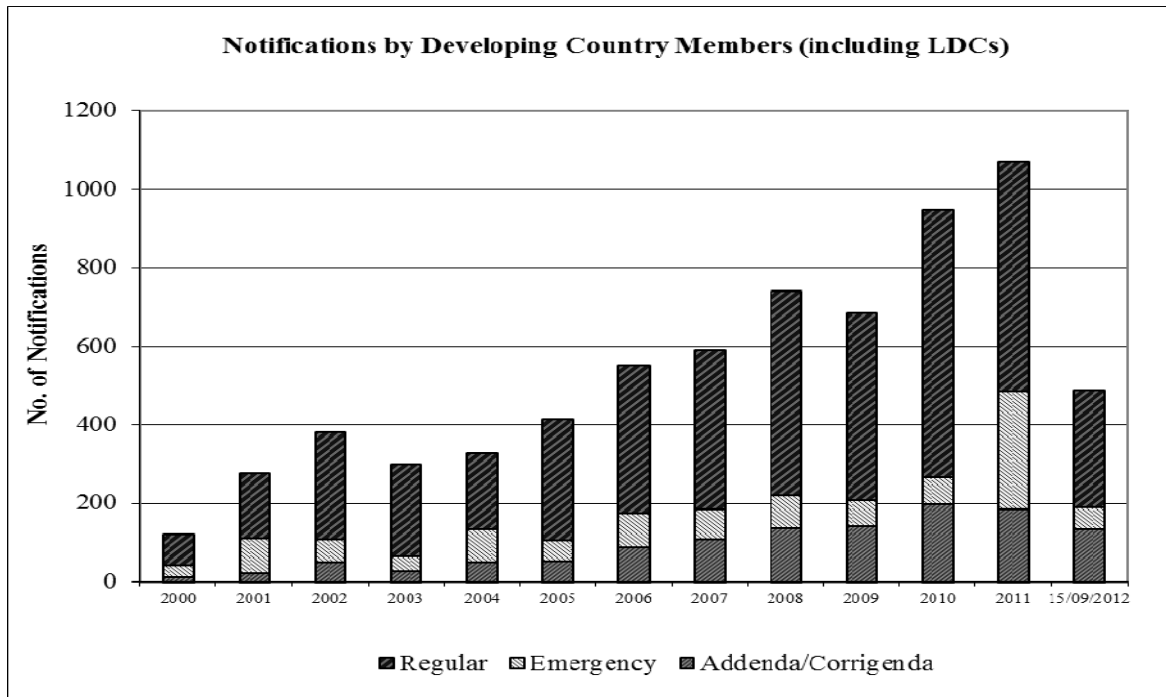
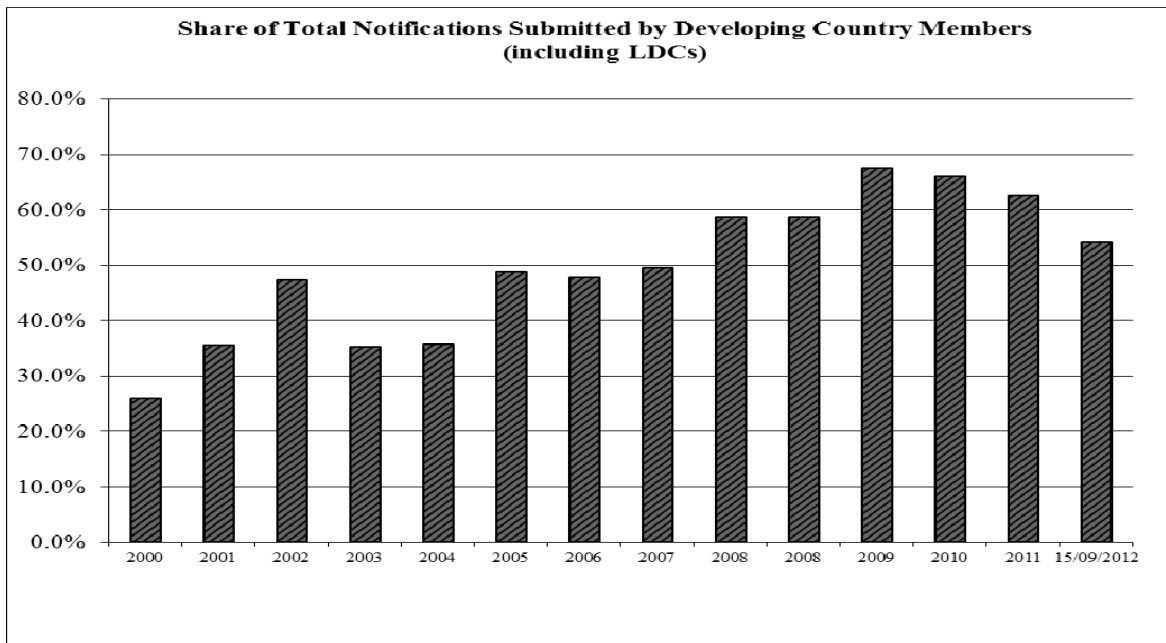


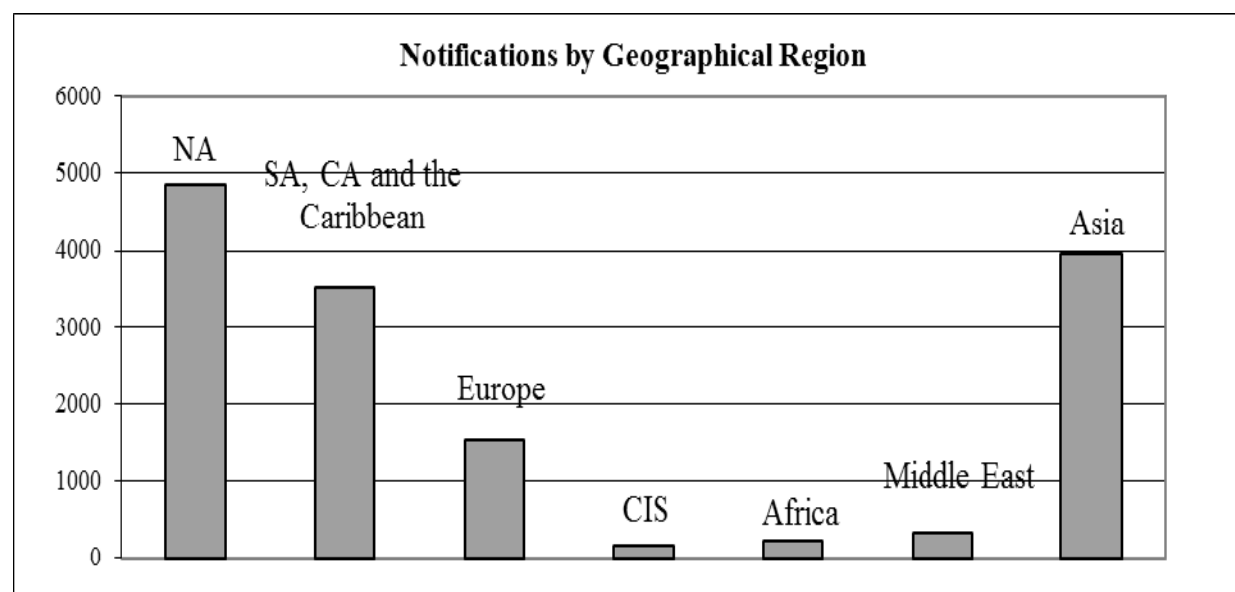
Figure 3



16. 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.<sup>12</sup>

<sup>12</sup> 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.

Figure 4



17. The Members which have submitted the greatest number of notifications (regular and emergency) as of 15 September 2012, are listed in Table 1, while the Members that have submitted the greatest number of notifications in the past year (15 September 2011 to 15 September 2012) 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	Members	Number of notifications	Share of Total
United States	2,384	24%	Albania	136	10%
Brazil	827	8%	Philippines	121	9%
China	656	7%	New Zealand	106	7%
Canada	644	7%	United States	84	6%
Korea	410	4%	Colombia	74	5%
European Union	402	4%	Ukraine	66	5%
New Zealand	385	4%	Peru	63	4%
Peru	379	4%	European Union	53	4%
Chile	375	4%	Thailand	41	3%
Japan	289	3%	Mexico	36	3%
Australia	280	3%	Chile	30	2%
Chinese Taipei	276	3%	Canada	30	2%
Mexico	193	2%	China	27	2%
Thailand	177	2%	Kenya	27	2%
Colombia	171	2%	Australia	26	2%

**Table 2. Members which have submitted the most notifications in the past year  
(15 September 2011 – 15 September 2012)**

Regular notifications			Emergency notifications		
Member	Number	Share of Total	Member	Number	Share of Total
United States	195	24%	Albania	11	14%
Canada	77	10%	Saudi Arabia	10	12%
China	64	8%	Ukraine	10	12%
Brazil	56	7%	Philippines	7	9%
Peru	42	5%	New Zealand	4	5%
Korea	34	4%	Chile	4	5%
European Union	32	4%	Colombia	4	5%
Chile	31	4%	European Union	4	5%
Australia	30	4%	Costa Rica	3	4%
Chinese Taipei	29	4%	Chinese Taipei	3	4%

*Products covered*

18. 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.<sup>13</sup>

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

20. 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	2,399	17%
(08)	Edible fruit and nuts, peel of citrus fruit or melons	1,506	11%
(07)	Edible vegetables and certain roots and tubers	1,250	9%
(01)	Live animals	1,156	8%
(10)	Cereals	1,089	8%

<sup>13</sup> 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.

<sup>14</sup> This information is now available in the SPS IMS.

<b>Emergency notification</b>			
<b>HS Code</b>	<b>Description</b>	<b>Number</b>	<b>Share of Total</b>
(02)	Meat and edible meat offal	1,594	32%
(01)	Live animals	1,475	30%
(04)	Dairy produce, birds' eggs, natural honey, edible products of origin not elsewhere specified or included	530	11%
(05)	Products of animal origin, not elsewhere specified or included	393	8%
(23)	Residues and waste from the food industries, prepared animal fodder	250	5%

#### *Regions/countries affected*

21. 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 December 2008 and 15 September 2012 indicate that around 14 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, 57 per cent of emergency notifications have identified a specific group of countries or a region. During this same period, around 27 per cent of all regular and emergency notifications have left this box blank.

22. 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. Since 1 December 2008, around 82 per cent of regular notifications have selected the tick box for "all trading partners", while the share is only roughly 13 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.

23. 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*

24. 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.

25. 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.



26. 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 15 September 2009 - 15 September 2012**

<b>Regular Notifications</b>		
	<b>Notifications</b>	<b>Share over 3 year period</b>
Food Safety	1,939	38.9%
Animal Health	283	5.7%
Plant Protection	615	12.3%
Protect humans from animal / plant pest or disease	1,980	39.8%
Protect territory from other damage from pests	164	3.3%
<b>Emergency Notifications</b>		
	<b>Notifications</b>	<b>Share over 3 year period</b>
Food Safety	69	14.7%
Animal Health	184	39.2%
Plant Protection	43	9.2%
Protect humans from animal / plant pest or disease	137	29.2%
Protect territory from other damage from pests	36	7.7%

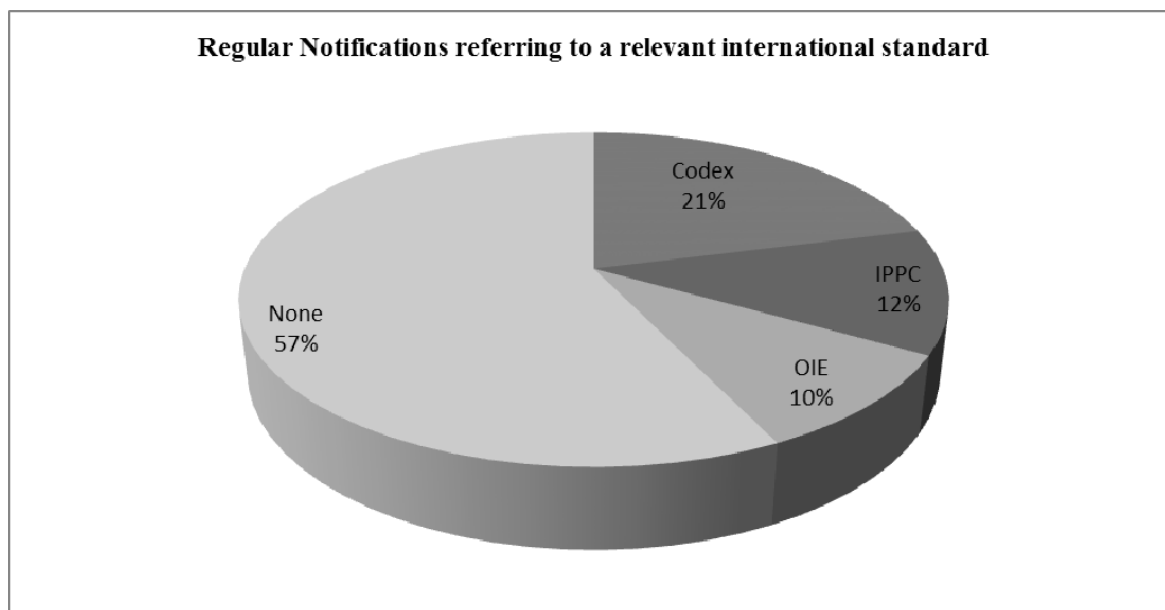
*International standards, guidelines or recommendations*

27. 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.

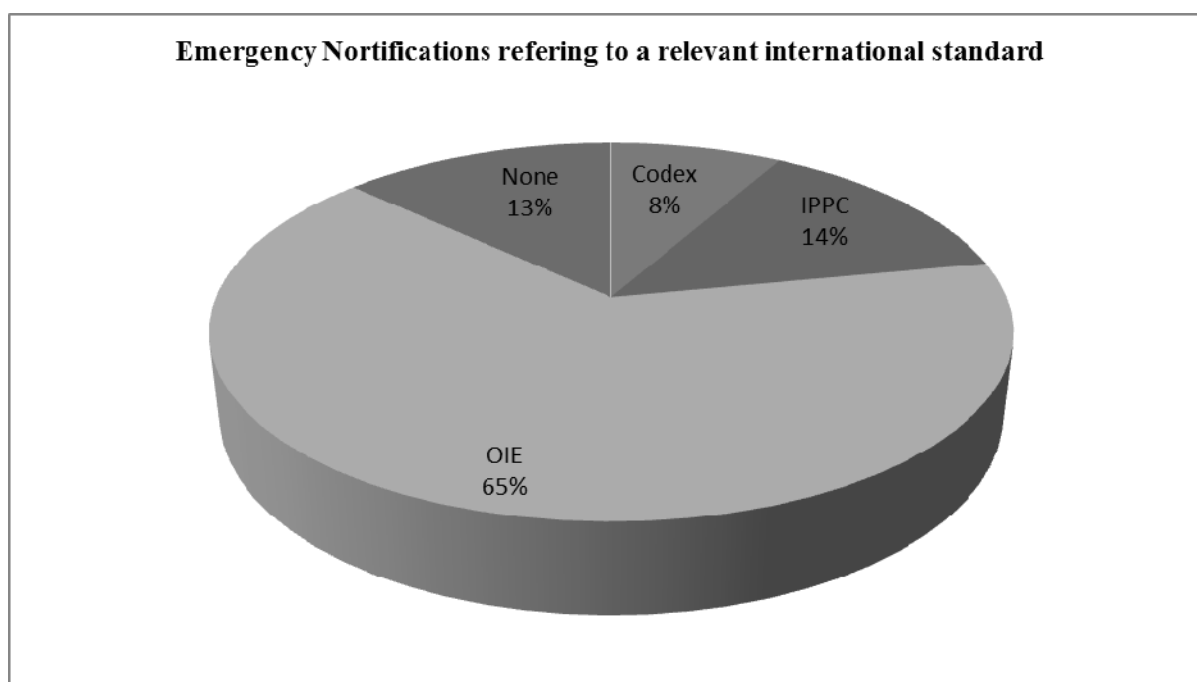
28. With respect to regular notifications circulated from 12 December 2008 to 15 September 2012, Figure 5 indicates that in 57 per cent of the cases, Members have not identified an international standard as being relevant to the new measure being notified. Of the remaining notifications, 21 per cent have referred to Codex, 10 per cent to the OIE and 12 per cent to the IPPC.

29. 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 65 per cent, 14 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**



**Figure 6**



30. 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 15 September 2012, of the 43 per cent of regular notifications identifying a relevant international standard regarding the measure, 28 per cent indicated that the proposed regulation conformed to that relevant international standard. For the same period, of the 87 per cent of emergency notifications identifying a relevant international standard, 60 per cent have indicated that the proposed regulation conformed to the relevant international standard.

*Proposed date of adoption/publication/entry into force*

31. 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".<sup>15</sup>

32. 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.

33. For the period from 1 December 2008 through 15 September 2012, 34 per cent (1,095) of regular notifications included a specific date for adoption, 32 per cent (1,018) for publication, and 36 per cent (1,142) 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 202 regular notifications (six per cent) had selected the checkbox for a six-month interval between the publication and entry into force of a measure.

34. Regarding the notifications that indicated a specific date of entry into force, 43 per cent (493) indicated a delay between the date of distribution and the proposed date of entry into force that averaged 80 days. This average masks a very wide range, as the periods in the notifications varied from 1 to 455 days. Furthermore, more than half of the notifications, 57 per cent (649), indicated a date of entry into force prior to the date of document distribution, although 32 per cent (213) of these concerned measures identified as trade liberalizing.

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 December 2008 to 15 September 2012, around 58 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. 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 checkbox option for such a 60-day comment period to encourage Members to follow this recommendation.<sup>16</sup> This checkbox has been selected in about 37 per cent of notifications.

37. An analysis of the notifications issued during the period from 1 December 2008 through 15 September 2012 shows that around 26 per cent of notifications have not provided a comment period (see Table 5). For those that do provide comment periods, these average 50 days when

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<sup>15</sup> WT/MIN(01)/17.

<sup>16</sup> See G/SPS/7/Rev.3, para.13.

calculated as the difference between the date of circulation of the notification and the deadline and final date for comments. Both developing country Members and developed country Members provide about the same length comment period.

38. 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 December 2008 through 15 September 2012, 22 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 December 2008 - 15 September 2012)**

<b>All members</b>		
	<b>No.</b>	<b>Share</b>
No. of regular Notifications	3,202	-
Comment Period Not Indicated/Not Available	844	26.4%
Comment Period Ends before Distribution Date	26	0.8%
Comment Period Available	2,358	73.6%
Average comment Period Provided	50.06	
<b>Developed country Members</b>		
	<b>No.</b>	<b>Share</b>
No. of regular Notifications	1,166	-
Comment Period Not Indicated/Not Available	317	27.2%
Comment Period Ends before Distribution Date	19	1.63%
Comment Period Available	849	72.8%
Average comment Period Provided	50.16	
<b>Developing country Members</b>		
	<b>No.</b>	<b>Share</b>
No. of regular Notifications	2,019	-
Comment Period Not Indicated/Not Available	521	25.80%
Comment Period Ends before Distribution Date	7	0.35%
Comment Period Available	1,498	74.20%
Average comment Period Provided	49.96	

39. 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 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.

40. 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.<sup>17</sup> From 15 September 2011 through 15 September 2012, around 88 per cent of notifications have provided the full text or a summary of their notified regulations using this facility. There has been a considerable increase (23 per cent) in the percentage of notifications including these attachments when compared to last year's 65 per cent. Members may wish to remind their notification authorities of the availability of this facility.

41. 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.

*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 December 2008 to 15 September 2012:

**Table 6. Reasons for addenda<sup>18</sup>**

<b>Reason for addenda:</b>	<b>No.</b>	<b>Share</b>
Modification of final date for comments	192	16%
Notification of adoption, publication, or entry into force of regulation	687	56%
Modification of content and/or scope of previously notified draft regulation	150	12%
Withdrawal of proposed regulation	45	4%
Change in proposed date of adoption, publication, or date of entry into force	30	2%
Other	113	9%

*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 and animal health. For emergency notifications, the most frequent keywords in descending order are: animal health, animal diseases, human health, regionalization, food safety and zoonoses.

**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 many Members. The replies to a Questionnaire in 2007 on the Operation

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

<sup>18</sup> Each notification can have multiple entries for the reasons for addenda.

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.<sup>19</sup>

45. There have been 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 been providing 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. More recently, the WTO Secretariat organized a transparency workshop in the margins of the October 2012 SPS Committee meeting intended to be a highly interactive, "hands-on" training event focussing in particular on the use of the SPS IMS and SPS NSS.

46. At the March 2011 meeting, the Secretariat launched the 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. Interested Members may request login names and access passwords for their National Notification Authorities from the Secretariat. To date, 37 Members have requested and been given access to the system, and 23 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.<sup>20</sup> 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.<sup>21</sup>

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 to avoid multiplication of transparency requirements, and guide future

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<sup>19</sup> 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.

<sup>20</sup> See G/SPS/W/217 and G/SPS/GEN/1097.

<sup>21</sup> Go to [http://www.wto.org/english/tratop\\_e/sps\\_e/transparency\\_toolkit\\_e.htm](http://www.wto.org/english/tratop_e/sps_e/transparency_toolkit_e.htm).

work in this area.<sup>22</sup> The STDF also completed a study to examine national SPS coordination mechanisms in Africa as a means to identify factors that contribute to successful coordination and provide suggestions and guidance to support the further establishment and operation of SPS coordination mechanisms in the future.<sup>23</sup>

## 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.

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<sup>22</sup> [http://www.standardsfacility.org/Files/Publications/STDF\\_Regional\\_SPS\\_Strategies\\_in\\_Africa\\_EN.pdf](http://www.standardsfacility.org/Files/Publications/STDF_Regional_SPS_Strategies_in_Africa_EN.pdf)

<sup>23</sup> [http://www.standardsfacility.org/Files/Publications/STDF\\_NationalSPSCoordinationMechanisms\\_EN.pdf](http://www.standardsfacility.org/Files/Publications/STDF_NationalSPSCoordinationMechanisms_EN.pdf)