



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.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).

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.

1.3. 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 2008.⁴ 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.

1.4. The 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) assists Members to be more precise in their notifications, and speeds up the processing and circulation of notifications to all Members.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 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 Notification Authority". As of 15 September 2016, 154 WTO Members out of 164 had designated such an agency. As compared to last year, one new WTO Member, Kazakhstan, has entered the list. Those Members which have not designated Notification Authorities include seven least developed countries (LDCs) and three developing countries.⁷ It should be noted that these are the same eight countries as last year, to which are added two new WTO Members, Afghanistan and Liberia.

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.

⁵ See para. 5.3. for more information.

⁶ All notification formats can be downloaded from http://www.wto.org/english/tratop_e/spse/transparency_toolkit_e.htm.

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

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 2016, 158 WTO Members out of 164, one more than the previous year, had provided the WTO with the contact information of their Enquiry Point.⁸ The same four countries as last year have not yet established an Enquiry Point, in addition to two new WTO Members, Afghanistan and Liberia; they include five LDCs and one developing country. 30 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 "Enquiry Points/Notification Authorities" on the left-hand side menu bar.

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, or 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 2016, Members had submitted¹⁰ 13,786 regular notifications, 1,784 emergency notifications, and 4,919 addenda and corrigenda to regular and emergency notifications. For the past year (15 September 2015 through 15 September 2016), Members submitted a total of 1,453 notifications, of which 1,011 regular notifications, 65 emergency notifications, and 377 addenda and 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 2016, 19 supplement notifications had been circulated. None was submitted in 2016. 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 250 supplement notifications, although only one new supplement notification was submitted this year. It is not clear why Members are submitting so few supplement notifications in the SPS area.

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 2016, 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 Secretariat 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

⁸ Kazakhstan.

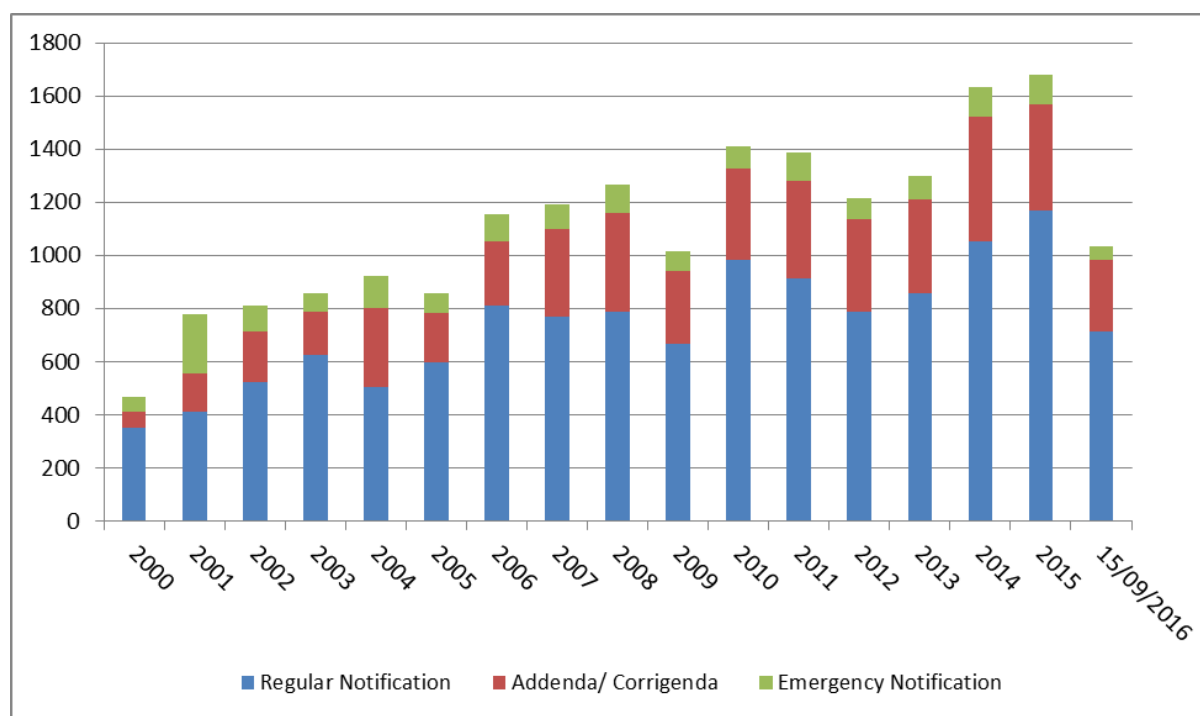
⁹ See the Recommended Transparency Procedures (G/SPS/7/Rev.3) for further elaboration on the different types of notifications.

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

notification format were subsequently revised in December 2009.¹¹ No S&D notifications have been circulated by WTO Members since 2004.

3.7. Considering all types of notifications together, a total of 20,510 notifications were submitted to the WTO from 1 January 1995 to 15 September 2016. As can be seen in Chart 1, there has been a general upward trend in the number of notifications over the years, although since the peak of 1,410 notifications in 2010, there has been a slight decline for the years 2011-2013. In 2015, however, the number of notifications reached a new peak of 1,681. As opposed to the previous year, the number of notifications has dropped in 2016, with 308 less notifications during the period from mid-September 2015 through mid-September 2016 than during the same period in the previous year.

Chart 1 – Notifications submitted per year

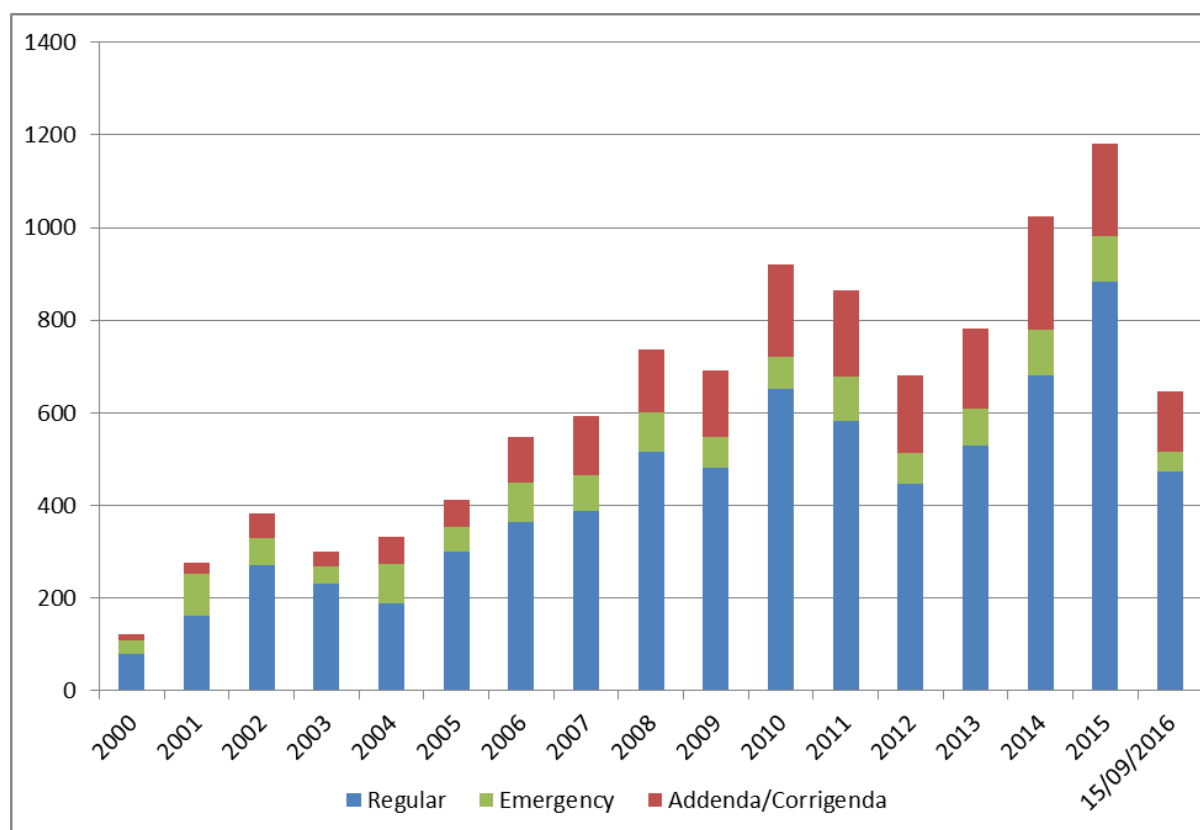


3.2 Notifying Members

3.8. As of 15 September 2016, 122 Members out of 164 (74%) had submitted at least one notification to the WTO. Members which have not submitted any notification so far include 18 developing countries, 15 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.¹²

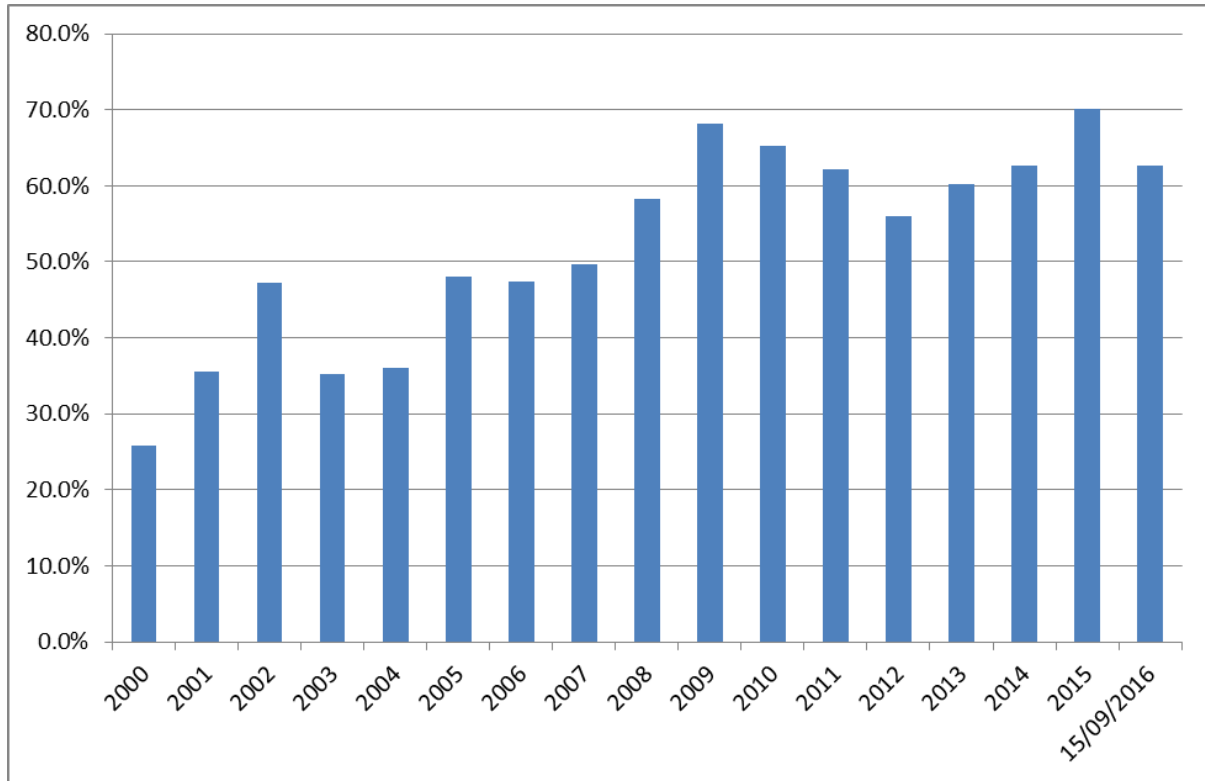
¹¹ See G/SPS/33/Rev.1.

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

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

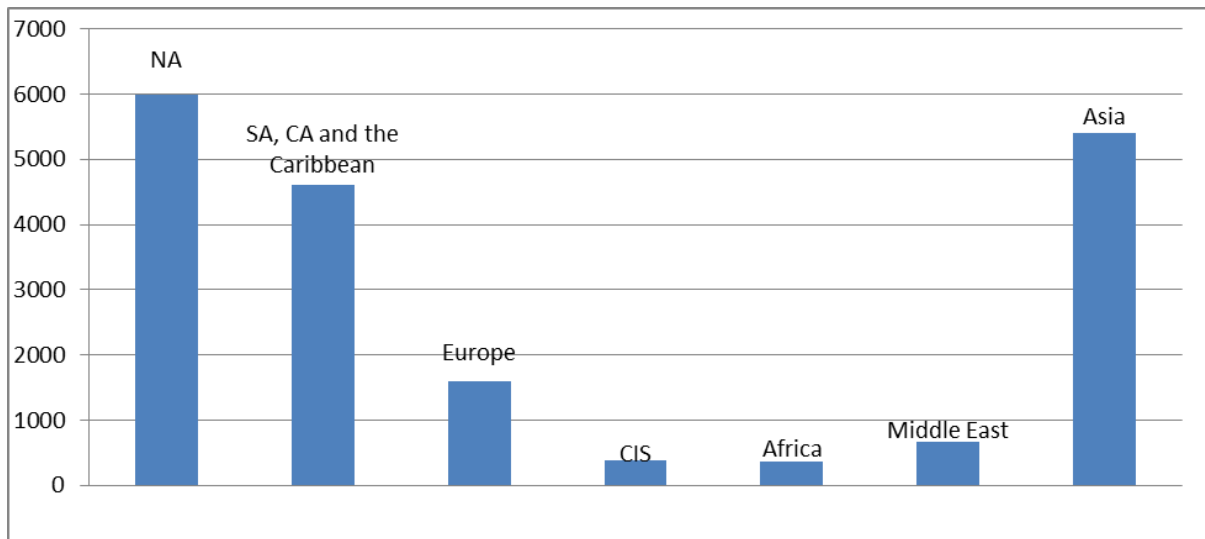
3.9. Chart 2 shows the increase of notifications from developing countries (including LDCs) since 2000. In correlation with the variation in the number of total notifications submitted since 2010, after the peak in that year the numbers dropped for the years 2011-2012. Since then, notifications have increased again each year reaching a new peak in 2015, close to the 1,200 mark. The share of notifications by developing countries has varied somewhat since 2000 (see Chart 3). It has consistently been higher than 50% since 2007, reaching its highest peak of 70% in 2015, following a steady increase since 2012. From mid-September 2015 through mid-September 2016, developing countries made up a 6.4% smaller share of total notifications than for the same period in the previous year. The share of notifications from LDCs had never been higher than its 2.1% peak in 2013 until the current nine months period, as from the year 2016 through mid-September this share has risen to 3.3%.

Chart 3 – Share of Total Notifications Submitted by Developing Country Members (including LDCs)



3.10. Looking at the geographic regions from which the notifications originate, Chart 4 shows that over the past 16 years 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 mid-September 2016



¹³ The geographical groupings used rely on WTO working definitions as identified in the Integrated Database (IDB) for analytical purposes (ldb@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 left-hand side menu bar.

3.11. The Members which have submitted the greatest number of notifications (regular and emergency) as of 15 September 2016 are listed in Table 1, while the Members that have submitted the greatest number of notifications in the past year (15 September 2015 to 15 September 2016) 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	2,810	20%	Philippines	185	10%
Brazil	1,213	9%	Albania	166	9%
China	1,162	8%	New Zealand	116	7%
Canada	1,069	8%	United States of America	83	5%
Peru	605	4%	Colombia	76	4%
Korea, Republic of	527	4%	Ukraine	74	4%
European Union	523	4%	European Union	65	4%
Chile	497	4%	Peru	64	4%
Japan	462	3%	Russian Federation	62	3%
New Zealand	426	3%	Saudi Arabia, Kingdom of	58	3%
Chinese Taipei	414	3%	United Arab Emirates	51	3%
Australia	369	3%	Thailand	46	3%
Mexico	267	2%	Chile	37	2%
Thailand	209	2%	Mexico	37	2%
Colombia	188	1%	Australia	32	2%

Table 2. Members which have submitted the most notifications in the past year (15 September 2015 – 15 September 2016)

Regular Notifications			Emergency Notifications		
Member	Number of notifications	Share of Total	Member	Number of notifications	Share of Total
Brazil	131	13%	Saudi Arabia, Kingdom of	17	26%
United States of America	111	11%	United Arab Emirates	10	15%
Canada	104	10%	Russian Federation	9	14%
Japan	50	5%	Albania	6	9%
Peru	47	5%	Philippines	5	8%
China	46	5%	Kazakhstan	3	5%
Chinese Taipei	43	4%	New Zealand	3	5%
India	41	4%	Ukraine	2	3%
Korea, Republic of	32	3%	Egypt	1	2%
Philippines	31	3%	European Union	1	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 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

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.

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.

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

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
(06)	Live trees and other plants	1,250	9%
(02)	Meat and edible meat offal	1,227	9%
(01)	Live animals	1,067	8%
(04)	Dairy produce, birds' eggs, natural honey, edible products of origin not elsewhere specified or included	993	7%
(08)	Edible fruit and nuts, peel of citrus fruit or melons	941	7%

Emergency notifications			
HS Code	Description	Number	Share of Total
(02)	Meat and edible meat offal	1,008	57%
(01)	Live animals	1,007	56%
(04)	Dairy produce, birds' eggs, natural honey, edible products of origin not elsewhere specified or included	612	34%
(05)	Products of animal origin, not elsewhere specified or included	461	26%
(23)	Residues and waste from the food industries, prepared animal fodder	244	14%

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 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.

3.16. An assessment of notifications submitted in the period between 15 September 2015 and 15 September 2016 indicates that 14% of regular notifications have identified a specific group of countries or a region, while 86% of regular notifications have selected the tick box for "all trading partners". In contrast, 92% of emergency notifications have identified a specific group of countries or a region, and only 8% 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, 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

¹⁶ This information is available in the SPS IMS.

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, while for emergency notifications it is animal health.

Table 4. "Objectives" of notified SPS measures in the period between 15 September 2015 - 15 September 2016

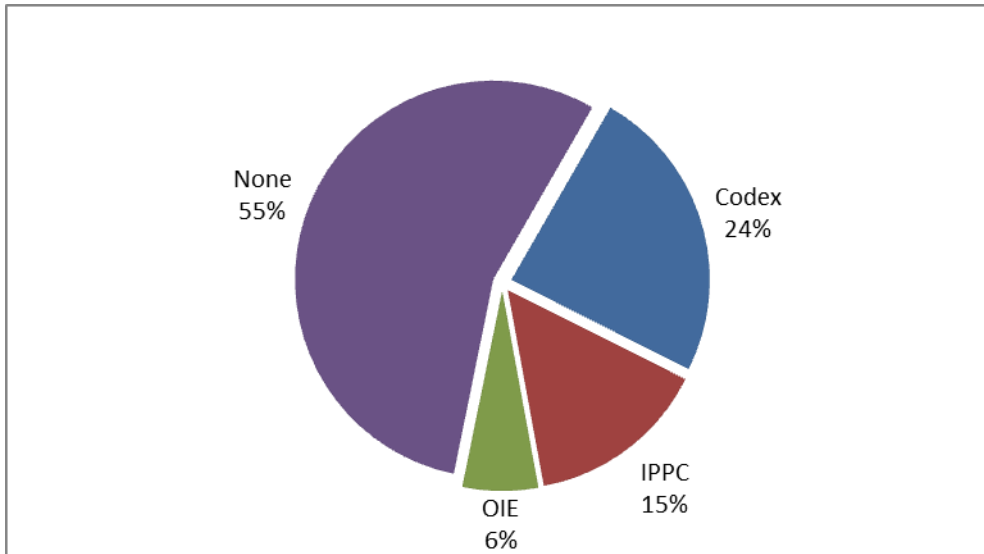
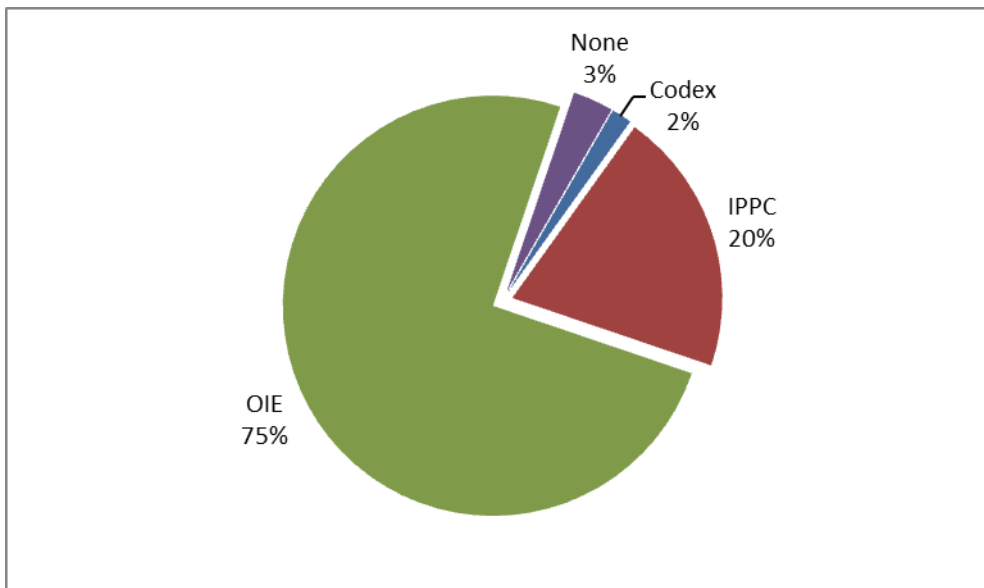
Regular Notifications		
	Notifications	Share
Food Safety	751	74%
Plant Protection	180	18%
Animal Health	112	11%
Protect humans from animal/plant pest or disease	67	7%
Protect territory from other damage from pests	58	6%
Emergency Notifications		
	Notifications	Share
Animal Health	42	65%
Food Safety	21	32%
Plant Protection	12	18%
Protect territory from other damage from pests	5	8%
Protect humans from animal/plant pest or disease	0	0%

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 to get 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 15 September 2015 to 15 September 2016, Chart 5 indicates that in 55% of the cases, Members have not identified an international standard as being relevant to the new measure being notified, while 24% have referred to Codex, 15% to the IPPC and 6% to the OIE.

3.23. When it comes to emergency notifications for the same period, Chart 6 shows that only 3% of emergency notifications have not identified an international standard as being relevant to the measure being notified, whereas 75%, 20% and 2% 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 15 September 2015 to 15 September 2016, of the 45% of regular notifications identifying a relevant international standard regarding the measure, 80% indicated that the proposed regulation conformed to that relevant international standard. For the same period, of the 97% of emergency notifications identifying a relevant international standard, all 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 15 September 2015 through 15 September 2016, 23% (231) of regular notifications included a specific date for adoption, 22% (221) for publication, and 23% (228) 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 101 regular notifications (10%) 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, 38% (95) indicated a delay between the date of distribution and the proposed date of entry into force that averaged 98 days. This average masks a very wide range, as the periods in the notifications varied from 1 to 524 days. Furthermore, more than half of the notifications, 61% (152), indicated a date of entry into force prior to the date of document distribution, and 50% (76) of these concerned measures were 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 15 September 2015 to 15 September 2016, around 67% of the addenda indicated the adoption, publication or entry into force of regulations as shown in Table 6.

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 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 notification formats also offer a checkbox option for such a 60-day comment period to encourage Members to follow this recommendation.¹⁸ Between 15 September 2015 and 15 September 2016 this checkbox was selected in 45% (453) of regular notifications.

3.31. An analysis of the notifications issued during the period from 15 September 2015 through 15 September 2016 shows that around 20% 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 (61 and 51 days respectively). Yet the overall average comment period for all Members remains in the same range as last year (54 this year compared to 55 the year before).

¹⁷ WT/MIN(01)/17.

¹⁸ See G/SPS/7/Rev.3, para. 13.

Table 5. Comment period provided in regular notifications (15 September 2015 – 15 September 2016)

All Members		
	No.	Share
No. of regular notifications	1,011	-
Comment period not indicated/not available	192	19%
Comment period ends before distribution date	10	1%
Comment period available	819	81%
Average comment period	54	
Developed country Members		
	No.	Share
No. of regular notifications	674	-
Comment period not indicated/not available	91	14%
Comment period ends before distribution date	2	0.3%
Comment period available	583	86%
Average comment period	61	
Developing country Members		
	No.	Share
No. of regular notifications	337	-
Comment period not indicated/not available	101	30%
Comment period ends before distribution date	8	2.4%
Comment period available	236	70%
Average comment period	51	

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 15 September 2015 through 15 September 2016, 19% 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.

3.33. 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 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. In an effort to address these concerns and facilitate access to notified draft regulations, since 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.¹⁹ From 15 September 2015 through 15 September 2016, around 85% of all notifications (88% of regular and 43% of emergency notifications) have provided the full text or a summary of their notified 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 15 September 2015 to 15 September 2016:

¹⁹ See G/SPS/7/Rev.3, para. 22 and Annex C.

Table 6. Reasons for addenda²⁰

Reason for addenda:	No.	Share
Notification of adoption, publication, or entry into force of regulation	242	67%
Other: provide brief description	48	13%
Modification of content and/or scope of previously notified draft regulation	39	11%
Modification of final date for comments	20	6%
Change in proposed date of adoption, publication, or date of entry into force	9	3%
Withdrawal of proposed regulation	5	1%

3.37. In addition, Members can notify their decision on whether and how S&D may be 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, etc.

4.2. As shown in Table 7, the keywords which have been most frequently assigned to regular notifications, in descending order for the past year, 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, pest or disease free regions, zoonoses and avian influenza. It must be noted, however, that the majority of the notifications are assigned more than one keyword. Therefore, 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 in the period between 15 September 2015 - 15 September 2016

Regular Notifications	Notifications
Human health	754
Food safety	737
Pesticides	337
Maximum residue limits (MRLs)	307
Plant health	184
Pests	159
Animal health	108
Food additives	106
Animal diseases	65
Territory protection	59
Emergency Notifications	Notifications
Animal diseases	47
Animal health	44
Pest or Disease free Regions	38
Zoonoses	27
Avian Influenza	26
Food safety	21
Human health	21
Pests	13
Plant health	13
Foot and mouth disease	5

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, coordinating at the national level, and 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

5.2. The SPS IMS was launched in October 2007 largely to address this issue. 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.

5.3. Since 2011, the SPS NSS 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. Interested Members may request login names and access passwords for their National Notification Authorities from the Secretariat.²² To date, 71 Members have requested access to the system, and 40 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 latest questionnaire on transparency, a majority of Members express a need for technical assistance in order to enhance their transparency mechanisms, and Members that have received technical assistance reported to have found it very useful.²³ Transparency workshops organized in October 2012 and 2015 provided highly interactive, "hands-on" training on the use of the SPS IMS and SPS NSS. The last workshop also provided an occasion to present the on-going project to improve and modernize the SPS IMS and NSS applications²⁴, planned to be launched by the end of 2016.

5.5. In addition, a practical Manual on the operation of Enquiry Points and Notification Authorities includes guidance on how to prepare a notification, how to manage incoming notifications, how to alert stakeholders, and how to draft some standard letters. The manual is 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.²⁵

5.6. 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 as strengthening linkages between government agencies and the private sector. The STDF has developed a framework called P-IMA²⁶ 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. P-IMA has been applied in over ten countries and has been very successful in promoting and creating linkages between the public and private sector. 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.²⁷ 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

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 submitting 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 See report on the transparency workshop in document G/SPS/R/80.

²⁵ The Procedural Step-by-step Manual for SPS National Notifications Authorities & National Enquiry Points can be downloaded from: http://www.wto.org/english/tratop_e/sps_e/transparency_toolkit_e.htm.

²⁶ <http://www.standardsfacility.org/prioritizing-sps-investments-market-access-p-ima>.

²⁷

http://www.standardsfacility.org/sites/default/files/STDF_NationalSPSCoordinationMechanisms_EN_0.pdf.

in the implementation of SPS measures and enhances the effectiveness of available resources. WTO Members are invited to contact the STDF Secretariat to obtain further information on any of the above-mentioned points.²⁸

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.

²⁸ stdfsecretariat@wto.org.