
Committee on Sanitary and Phytosanitary Measures

**SPECIAL MEETING OF THE SPS COMMITTEE
ON THE OPERATION OF ENQUIRY POINTS
HELD ON 31 OCTOBER 2003**

Note by the Secretariat¹

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¹This 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.

1. The Committee on Sanitary and Phytosanitary Measures (the "SPS Committee") held a Special Meeting on the operation of SPS Enquiry Points on 31 October 2003. Mr. Paul Martin (Canada) chaired the meeting. The programme for the meeting and copies of the presentations made at the meeting are contained in documents G/SPS/GEN/441, 450 and 458, and are available from the WTO website at: http://www.wto.org/english/tratop_e/sps_e/spec_meet_oct03_e/programme_e.htm.

I. BACKGROUND AND PURPOSE

2. At its meeting in June 2003, the SPS Committee agreed to hold a special meeting on the operation of SPS enquiry points in conjunction with the regular October meeting of the Committee. A special meeting on the transparency provisions of the SPS Agreement had previously been held in November 1999.

3. The purpose of the enquiry point meeting was to bring together officials from Members' enquiry points and national notification authorities for an in-depth discussion of problems and concerns relating to their operation. The speakers and the panel discussions focussed on the problems Members' enquiry points were facing which constrained their effective functioning and on identifying possible solutions to overcome these constraints. The WTO was able to sponsor, with assistance from the governments of France and the United States, speakers from Egypt, Senegal and Jamaica and the participation of officials from Gabon, Cote d'Ivoire, Uganda, Mauritania, Nepal, Cuba and Zambia.²

4. In preparation for the meeting, Members were invited to identify specific constraints faced by their enquiry points. A number of Members submitted specific issue papers.³ The Secretariat circulated a questionnaire on the operation of SPS enquiry points and national notification authorities (G/SPS/W/103/Rev.1). Over 80 Members provided responses to the questionnaire. The contact details of Members' enquiry points and national notification authorities can be found in the up-dated lists of national enquiry points (G/SPS/ENQ/16) and notification authorities (G/SPS/NNA/6).

5. This report provides a summary of the main points (written and oral) raised by Members' at the special meeting. This report also includes relevant information compiled from Members' responses to the questionnaire.

II. ISSUES

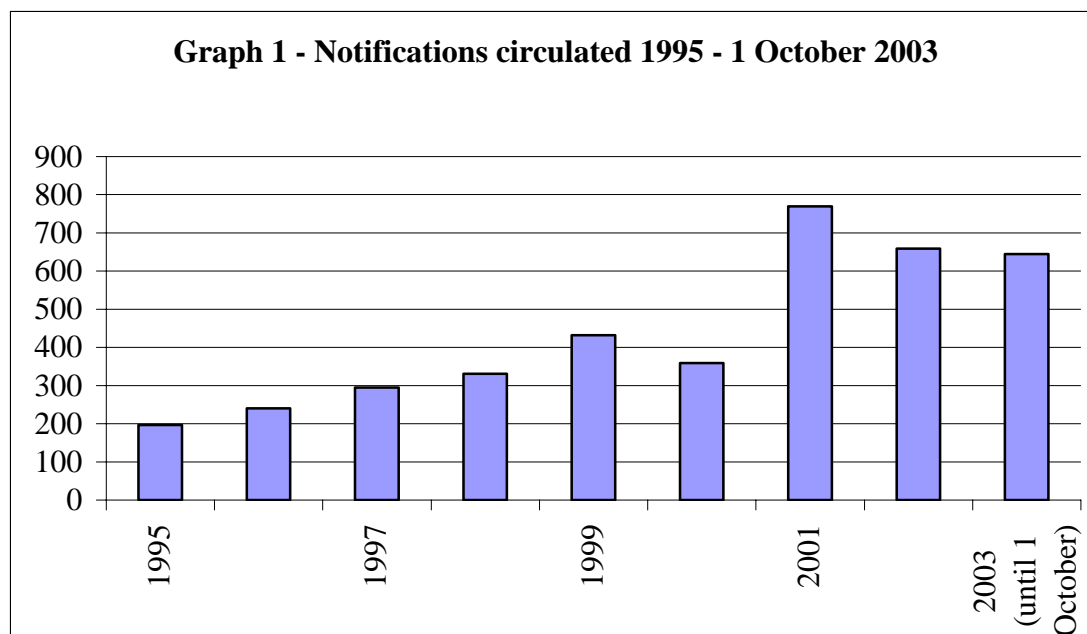
A. NOTIFICATION ISSUES

6. The Secretariat recalled that the SPS Committee had agreed on various formats for the submission of notifications and detailed recommended procedures for completing these formats and for ensuring compliance with the transparency provisions of the SPS Agreement (G/SPS/7/Rev.2 and Add.1). Furthermore, the Secretariat had published a Handbook on the Transparency Provisions of the SPS Agreement, which in addition to the recommended procedures included model letters and other suggestions to assist in the operation of national enquiry points and notification authorities. The recommended procedures and the Handbook are available from the WTO website (http://www.wto.org/english/tratop_e/sps_e/sps_e.htm) and were included on the WTO's computer-based training CD Rom on Sanitary and Phytosanitary Measures.

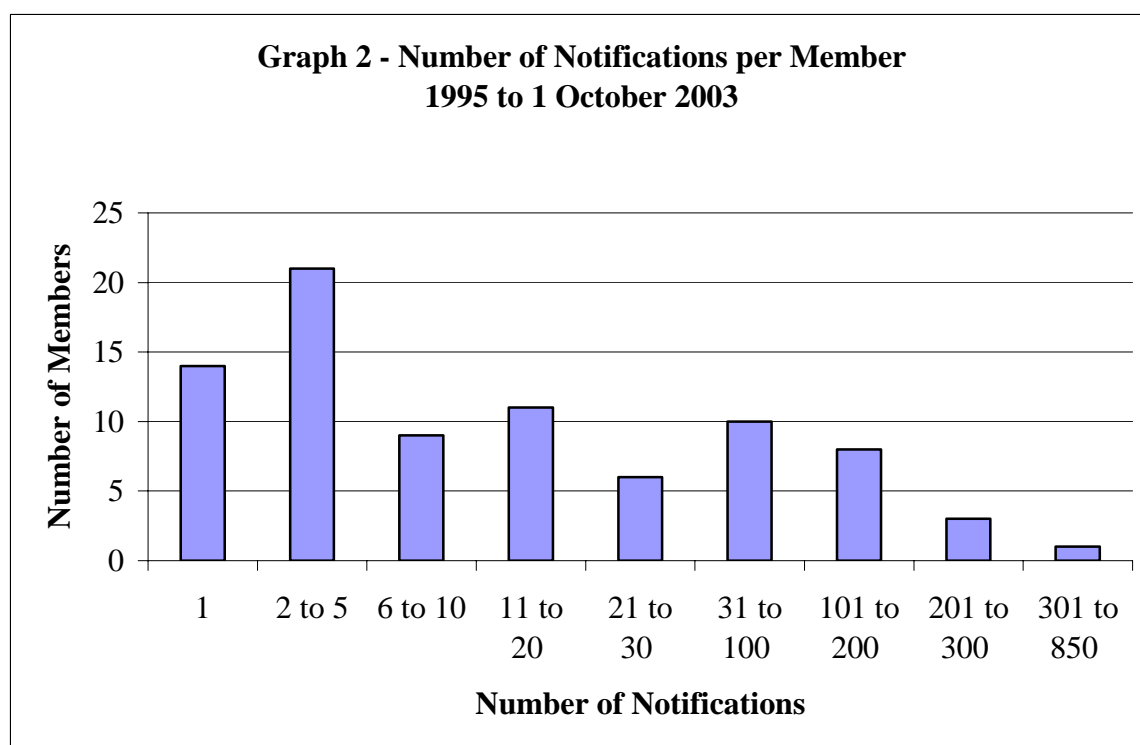
² Funds were provided by the Ministry of Agriculture of France and by the US Department of Agriculture.

³ Argentina (G/SPS/GEN/425 and corrigendum), Australia (G/SPS/GEN/429), Canada and New Zealand (G/SPS/GEN/430), China G/SPS/GEN/378, EEC (G/SPS/GEN/455, G/SPS/GEN/456 and corrigendum), Mauritania (G/SPS/GEN/457), Mexico (G/SPS/GEN/451), Pakistan (G/SPS/GEN/436), Panama (G/SPS/GEN/438), Venezuela (G/SPS/GEN/442), and IICA (G/SPS/GEN/427).

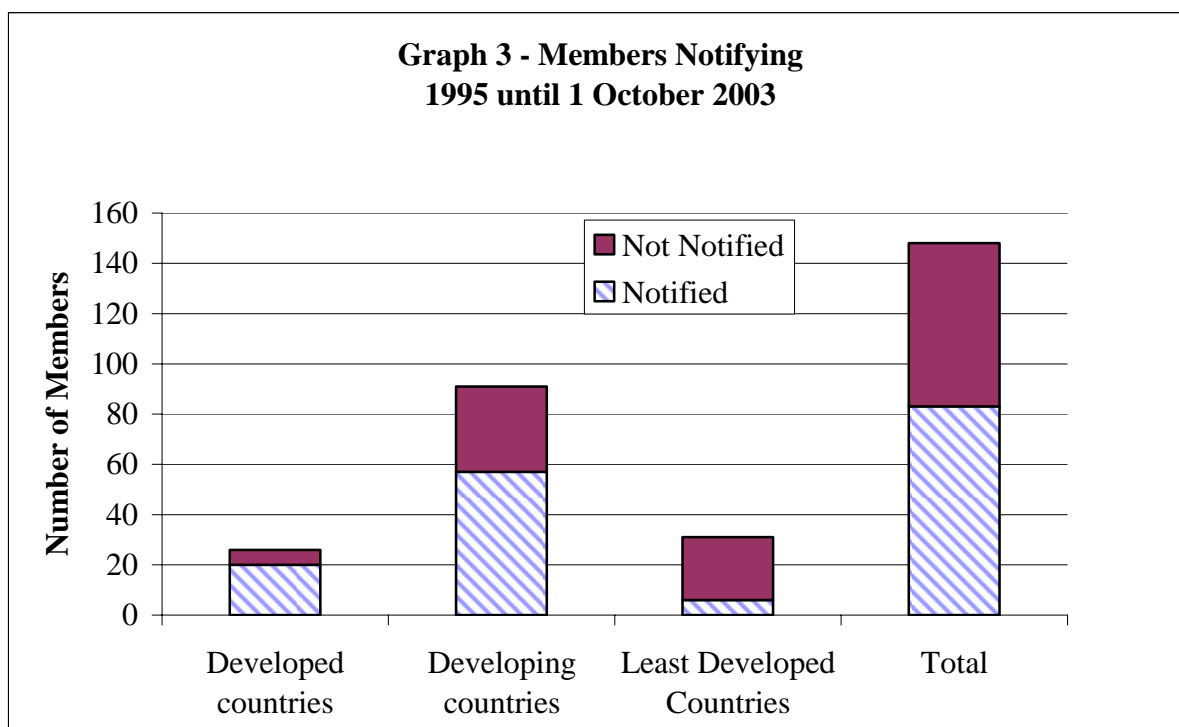
7. As of 1 October 2003, over 3,600 SPS notifications had been submitted to the WTO since the entry into force of the Agreement in 1995 (Graph 1). Over 650 of these notifications were submitted in the period 1 January through to 1 October 2003. Several Members had commented on the difficulty of managing such a large volume of notifications.



8. Of the WTO's 148 Member, 83 Members or 56 per cent had notified an SPS measure. The majority of these had submitted between five or less notifications (Graph 2 indicates the number of SPS notifications that Members submitted).



9. Whereas virtually all developed country Members had submitted notifications, and more than half of the developing country Members had also notified SPS measures, over 80 per cent of least developed country Members had not submitted any SPS notification by 1 October 2003 (see Graph 3).



B. ISSUES WITH SUBMITTING NOTIFICATIONS

10. Several Members highlighted the difficulties they faced in submitting SPS notifications. A number of Members indicated that they did not have sufficient administrative capability to submit notifications. Other Members stated that they did not know what measures to notify. Some Members noted that their legislative systems did not make it possible to notify SPS regulations which were at the draft stage, so as to enable other Members to provide comments before the regulation was finalized.

11. One common problem identified by Members was when a governmental agency produced SPS-related legislation which had to be notified to the WTO but the agency failed to inform the notification authority. Some Members stressed that the notification authority needed to coordinate with the regulatory agencies in order to keep itself abreast of their activities, particularly those related to the formulation of SPS measures. It was suggested that Members could include the submission of a copy of the draft legislation to the notification authority as part of the procedures for government officials to follow when preparing SPS legislation.

C. ISSUES WITH OTHER COUNTRIES' NOTIFICATIONS

12. Several Members drew attention to the observations contained in China's analysis of SPS notifications submitted during 2002 (G/SPS/GEN/378). One of the main conclusions of this study was that Members were not complying with all of the notification requirements.

13. Annex B of the SPS Agreement states that comments from other Members should be taken into account, and the recommended procedures adopted by the SPS Committee indicate that a period of at least 60 days should be provided for the submission of comments. However, China's analysis indicated that the majority of Members who made routine notifications during 2002 allowed for a

comment period of less than 60 days, or they did not specify a final date for receiving comments. Furthermore, China found that some Members did not provide an interval for considering comments. One Member recalled that a Member could always ask for an extension to a comment period, and such requests were supposed to be given favourable consideration.

14. During 2002, most notifying Members did not indicate the date of adoption or the date of entry into force of the SPS measure notified and of those Members that did, most indicated an interval that was less than 6 months from the date of publication. However, Paragraph 2, Annex B of the SPS Agreement, states that, "Members shall allow a reasonable interval between the publication of an SPS regulation and its entry into force", and Article 3.2 of the Doha Ministerial Decision defined this "reasonable interval" as a period of not less than 6 months.

15. China also noted that most Members notifying did not clearly indicate whether a relevant international standard, guideline or recommendation (Codex, IPPC or OIE) existed nor did they identify how their proposed regulation deviated from the relevant standard.

16. The representative of the European Communities suggested that the SPS Committee review the results of this analysis and evaluate Members' compliance with the recommended transparency procedures (G/SPS/GEN/455).

III. RESOURCES

17. One conclusion arising from the interventions made at the special meeting was that for an enquiry point to function well, it must have analytically and technically skilled staff and appropriate equipment. Among the resource constraints identified by Members were problems with finding and keeping skilled staff, the lack of infrastructure, translation requirements, limited technical capacity as well as institutional capacity and financial constraints.

A. SETTING UP AN ENQUIRY POINT OR NOTIFICATION AUTHORITY

18. The Secretariat recalled that of the total membership of the WTO, 136 Members had identified their SPS enquiry point and 126 had identified a Notification Authority.

19. Enquiry Points and national notification authorities were often housed in separate agencies. Of the Members that responded to the questionnaire, 52 per cent had enquiry points and notification authorities which were separate agencies. Several Members which had combined the enquiry point and notification authority functions in the same agency indicated that this helped ensure coordination, and could be especially useful if the enquiry point/notification authority was contained within an agency dealing with SPS-related measures.

20. The SPS enquiry point and/or notification authority in some Members also served as the TBT enquiry point and/or notification authority, and could also be a designated contact point for the international standard-setting organizations (eg., the national Codex, OIE or IPPC contact point).

21. Some Members suggested that the enquiry point could function most effectively if it were attached to the agency responsible for national standard-setting.

22. The representative of Brazil reported that his country had initially established its enquiry point and notification authority in a single agency. However, this arrangement resulted in problems of coordination with other agencies. Now Brazil had two enquiry points, one in the Ministry of Agriculture and Livestock, the another in the Ministry of Health, while the notification authority was located in the Ministry of Trade, and coordination had improved.

23. To facilitate the effective establishment of an enquiry point and/or notification authority, it was suggested that Members identify an effective enquiry point/notification authority in another country and use its systems and procedures as a model.

24. Several Members stressed the importance of convincing political leaders of the relevance of the SPS Agreement to secure the appropriate level of resources to establish and maintain an effectively operating enquiry point. Ministerial support was essential to secure funding for resources in the enquiry point, to finance participation in international meetings and to support coordination between different agencies in the context of a national SPS Committee. One Member suggested that Ministers and Directors of SPS-related agencies should be encouraged to attend an SPS Committee meeting, to get a better understanding of the issues and of the process.

25. The Secretariat recalled that it circulated an updated list of the names, addresses, telephone numbers, fax numbers and e-mail addresses of all SPS enquiry points and notification authorities, before each Committee meeting.⁴ However, many Members failed to inform the Secretariat of changes in the contact information for their enquiry points or notification authorities, making it difficult for other Members to contact the enquiry point or notification authority, and for these agencies to effectively fulfil their obligations under the SPS Agreement. Failure of Members to keep the contact information up-to-date also meant that the enquiry point or notification authority might not receive pertinent information and technical assistance.

B. SKILLED STAFF AND TECHNICAL CAPACITY

26. An enquiry point does not need to have a large number of staff if the staff has the necessary skills. Among those Members that responded to the questionnaire, the average number of staff servicing the enquiry point was 3.1, and an average of 2.6 officials were responsible for the notification authority. In many cases, the staff did not work full-time as the enquiry point or notification authority, this function being combined with other professional responsibilities. Some Members, however, recommended that staff should have only the responsibility of running the enquiry point

27. Due to the large volume of SPS notifications being circulated, Members stated that it was important to have well-qualified, technically skilled and experienced staff to undertake a preliminary screening of notifications to determine the relative importance of any notification to domestic traders. Members identified the need for continued training for the staff of their enquiry points to improve their technical capacity.

28. Staff in the enquiry points of some Members had a scientific background which enabled them to directly answer questions of a technical nature. In 64 per cent of Members responding to the questionnaire, the enquiry points directly answered questions regarding control and inspection procedures, quarantine treatment, risk assessment, bilateral and multilateral agreements, etc. However, other Members noted that the enquiry point did not necessarily need to have officials who could themselves answer all requests made by other countries; the primary role of the enquiry point staff was to know who to contact for the requested technical information. A number of Members reported that the other main roles for the enquiry points were coordination, organization and monitoring.

29. Continuity of staff was considered by Members as being extremely important for ensuring an effective functioning of an enquiry point. Several Members noted that rapid staff turnover dramatically affected the quality of service provided by the enquiry point. One solution, suggested by the representative of the European Communities, was that officials from other SPS-related agencies

⁴ The most recent list of SPS Enquiry Points is contained in document G/SPS/ENQ/16, and the most recent list of national Notification Authorities in G/SPS/GEN/NNA/6.

be trained at the enquiry point for several months. Such training would not only enhance the understanding of the SPS Agreement and coordination between the agencies, but could facilitate eventual replacement of staff working at the enquiry point.

30. Many Members identified the fact the lack of technical capacity to analyze risk assessments and other technical information available from the notifying Member, in order to prepare substantive comments within the short comment period provided as a serious constraint. Requests were made for technical assistance by the standard-setting organizations and by developed country Members to enhance Members' technical capacities in this respect.

C. INFRASTRUCTURE

31. The majority of the enquiry points and notification authorities of Members who responded to the questionnaire had basic communication equipment (telephones, fax machines) along with computers with internet access and email.

32. Members recognized that an appropriate IT infrastructure greatly enhanced the effectiveness of the operation of SPS enquiry points by strengthening their communication capability and documentation management systems. Most of the functions of the enquiry point could be done by email, including the dissemination of documents.

33. Many Members highlighted the need to receive assistance to equip their enquiry points with computers with email and internet access. The Secretariat reminded Members that the WTO reference centres, established in all least developed and developing countries, had computers with internet access which are supposed to be made available for the use of government officials working on trade-related matters.

34. Several Members considered that it was essential for the enquiry point or notification authority to maintain an inventory of all national SPS regulations. However, 28 per cent of the enquiry points and notification authorities of the Members that responded to the questionnaire did not keep copies of full texts of proposed and adopted SPS regulations, but noted that these were kept by the relevant technical agencies.

35. Less than half of the enquiry points/notification authorities of respondents to the questionnaire had a database for storing records and managing information flow. Senegal highlighted the establishment of a centralized database as one of its priorities (G/SPS/GEN/441). The European Communities noted that it was not necessary to have a sophisticated database to manage SPS notifications and information from the standard setting organizations, rather, it was necessary that staff knew how to search existing databases including the WTO document dissemination web page, Codex, IPPC, FAO, OIE, and the EC database, to access notifications and legislation (G/SPS/GEN/455).

D. TRANSLATIONS

36. Several Members drew attention to the additional costs of translation incurred by enquiry points and notification authorities in Members where the working language was not one of the official languages of the WTO (English, French and Spanish). Many Members faced constraints in strengthening the capacity of their staff to communicate in the WTO official languages.

37. Paragraph 8 of Annex B of the SPS Agreement provides that developed country Members shall, if requested, provide copies of the documents or summaries of relevant documents covered by a specific notification in English, French or Spanish. The recommended notification procedures encourages Members to indicate, on the notification, if a translation is available, and, recommends Members to send it along with any requested document. However, among the respondents to the

questionnaire whose language was not one of the WTO working languages, 10 per cent indicated that they were unable to provide translations or summaries of SPS regulations in one of the official WTO languages.

38. Members highlighted the difficulty of commenting on notified SPS measures when the full text of a regulation was available only in a non-WTO language. The representative of the Philippines suggested that the WTO Secretariat should organize the translation of full-texts into one of the WTO official languages. The Secretariat responded that this would be impossible due to resource constraints. Some Members noted that delays in the translation of notifications by the WTO reduced the time available for them to submit comments. The representative of New Zealand suggested that a translation function freely available on the internet (<http://world.altavista.com/>) could be used to get an initial understanding of the content of a notification that was not yet available in the working language preferred by the enquiry point.

39. The Secretariat suggested that, at the informal meeting on transparency scheduled for March 2004, the Committee might wish to discuss the 1999 US proposal on voluntary transparency (G/SPS/GEN/152). This proposal suggested that Members provide web links to any translations they may have of other Members' notified regulations, and to make public their comments on other Members' notifications. In addition, the proposal encouraged Members to include web links for the full texts of their SPS regulations in their notifications, which many Members were now doing on a regular basis.

IV. COORDINATION

40. Coordination had been identified as a major constraint for developed and developing countries alike, although coordination was considerably harder for countries with limited IT resources and technical capacity. The representative of the European Communities noted that it received very few comments from developing countries on its notified regulations. The representative of the Inter-American Institute for Agricultural Cooperation (IICA) identified the lack of effective communication amongst SPS-related institutions as a key factor contributing to a country's failure to notify, send comments and reply to questions (G/SPS/GEN/427).

A. COORDINATION BETWEEN AGENCIES

41. Among the respondents to the questionnaire, 91 per cent of the enquiry points and 87 per cent of the notification authorities reported that they had regular contact with officials in other relevant ministries and agencies. Nonetheless, many identified coordination with all of the agencies responsible for SPS-related policy as a serious challenge. Many Members agreed with the observation by Mauritius that Members should have a legal framework underpinning a National SPS Committee which ensured that representatives from SPS-related agencies attended coordination and other relevant meetings.

42. Several Members cited examples of instances in which an SPS-related agency did not share information on the development of regulations which should have been notified. The representative of the European Communities noted that it had developed a legal technical manual so that all agencies could become familiar with the international agreements and standards which had to be followed when regulations were being developed.

43. Members noted that the low awareness of the SPS Agreement amongst government officials highlighted the importance of providing training. Although most SPS measures were developed by governments at the national level, Members stressed the importance of coordinating with sub-national level governments and the need to provide officials of sub-national level governments with training on the SPS Agreement.

44. The representative of South Africa noted that harmonizing standard setting activities and legislation within a region could be useful, and indicated that this was being pursued by the South African Development Community (SADC). The SADC Protocol on Trade stated that SADC Members were to base their SPS measures on international standards so as to harmonize SPS measures. Moreover, upon request, SADC Members would enter into consultations to reach agreements on recognition of the equivalence of SPS measures. The SADC had an SPS Committee, as well as technical committees for livestock production, animal health and GMOs. However, SADC's SPS Committee needed strengthening as currently there were only three people coordinating SPS activities for the region. Examples of cooperation in the SADC region included sharing laboratory resources and ensuring that the region was represented at meetings of the international standard-setting bodies.

B. COORDINATION WITH STAKEHOLDERS

45. Many Members stressed that involving the private sector was essential to enable Members to formulate comments on SPS measures notified by other Members. Of the Members responding to the questionnaire, 19 per cent did not routinely provide information about other countries' import requirements to interested domestic producers and exporters, while 12 per cent of enquiry points did not provide information about their own national import requirements to interested producers, importers and exporters. A lack of IT infrastructure increased the difficulty of ensuring coordination with domestic stakeholders.

46. Members highlighted the importance of coordination through continued dialogue with stakeholders to ensure their awareness of the relevance of the enquiry point to them and their full participation in its work. Many Members indicated that they held regular national information workshops for stakeholders, including importers, exporters, government agency representatives and consumer groups, to inform them of the SPS Agreement and the role of the enquiry point and international SPS standards.

47. The main method used by Members to coordinate with stakeholders was to circulate SPS notifications to them. The representative of Jamaica reported on a software provided by the US Department of Agriculture which generated a newsletter with the titles of notifications and a brief description of their contents. This newsletter could be sent to stakeholders via email or fax, and interested stakeholders could request a copy of the full text of a notification from the enquiry point. The representative of the European Communities highlighted the importance of frequently updating email lists and periodically asking recipients if they wished to remain on such mailing lists.

48. The representative of Mexico provided information about its new computer system for circulating notifications (NOTIFICANORM-DGN <http://www.economia.gob.mx/?P=85>) whereby stakeholders could identify their preferences, i.e. specifying products, countries, languages and types of notifications (TBT or SPS) of interest to them. The system then automatically emailed notifications meeting these preferences to subscribers. Domestic stakeholders wishing to obtain a full text of the regulation or to provide comments on the measure could contact Mexico's Information Centre (G/SPS/GEN/451).

49. Several Members suggested that consultation with stakeholders could be more structured by including representatives from the private sector in a country's national SPS committee. The representative of Egypt reported that the notifications it received were first analysed by the technical authorities and then the National Agriculture Commodities Council held special meetings to discuss them with private sector importers and exporters. At these meetings, the technical authorities informed the private sector of the scientific implications of the measures, giving the private sector an opportunity to provide comments.

50. The representative of Argentina noted that it received a very positive response from its private sector when they were informed that they could participate in the national SPS committee. However, Argentina recommended clearly defining the terms of private sector participation.

C. COORDINATION WITH OTHER ENQUIRY POINTS

51. Respondents to the questionnaire stated that on average it took 9 days to respond to questions addressed to their enquiry points. 51 per cent of respondents reported regular contacts with other WTO Members' enquiry points. In 85 per cent of the respondents, the enquiry point handled requests for full-texts of proposed regulations. In 35 per cent of respondents, the notification authority also handled such requests.

52. Members reported encountering difficulties in their interactions with other Members' enquiry points, including that the full-texts they requested from notifying Members were not always provided within the recommended five-day response time; some requests went unanswered; the notifying Member failed to acknowledge receipt of comments on the notification; and the texts provided were not in one of the official languages of the WTO.

53. The representative of Canada suggested that the Committee develop agreed service standards and establish acceptable time frames for an enquiry point or notification authority to acknowledge and provide responses to requests (G/SPS/GEN/430). Canada further proposed additional clarification of the role of the notification authority with respect to Annex 5(d) regarding the obligation of Members to discuss comments upon request, and to take the comments and results of the discussions into account. The representative of the European Communities supported Canada's observations and suggested that the notification authority and enquiry point should be relieved from the responsibility of ensuring that a reply had been given to each request (G/SPS/GEN/455).

54. The representative of the European Communities reported that the EC enquiry point automatically distributed the full texts of its SPS-related regulations to registered interested parties and Members, to allow Members to benefit from the 60-day comment period provided. Electronic versions of the full texts of EC draft regulations were available in English, French and Spanish. However, he emphasized the importance of updating email lists on a regular basis as it often received error messages for addresses; this occurred less frequently when the enquiry point and notification authority shared a single email address.

55. The representative of Australia indicated that it had experienced a number of difficulties in coordinating with other Members' enquiry points. For example, it was often difficult to locate the full text of a document as web addresses were incorrect; difficulties also occurred with the downloading of information from the internet and with reviewing large documents, and with communicating with enquiry points (G/SPS/GEN/429).

56. To address these problems, the representative of Australia suggested that enquiry points send out CD Rom copies of the full-text of SPS measures to facilitate analysis. When there were large documents on a web site, the enquiry point should include an executive summary of the regulation at the same site, thereby providing an initial summary for ease of reference. In order to solve the problems of downloading large documents from the internet, Australia recommended breaking files into smaller documents. To resolve problems with communicating with other enquiry points, Australia suggested that contact details be included on every notification.

D. COORDINATION WITH WTO AND INTERNATIONAL STANDARD-SETTING BODIES

57. The Secretariat reminded Members that the list of contact details for enquiry points and notification authorities were updated and circulated regularly, in the G/SPS/ENQ/# and G/SPS/NNA/# document series, respectively. The Secretariat stressed the responsibility of Members

to inform the Secretariat of any changes in their contact details; this could be done via email, fax or letter. Identifying a change in the contact details solely by providing the modified information on a notification was not sufficient, however, as the Secretariat only assumed that this was an additional source for information about that specific notification.

58. The Secretariat also indicated that links to SPS-related web pages of Members had been recently up-dated and were available at the WTO SPS web page http://www.wto.org/english/tratop_e/sps_e/spslinks_e.htm. Members were requested to likewise keep the Secretariat informed about any changes in these websites.

59. Of the Members responding to the questionnaire, 90 per cent of enquiry points received other Members' SPS notifications, and 81 per cent also received copies of other SPS Committee documents and followed the work of the SPS Committee. Enquiry points received other Members' SPS notifications via different, sometimes multiple means: 20 per cent used the WTO web page document dissemination service to obtain SPS notifications; 65 per cent subscribed to the Secretariat's email distribution list and received the notifications directly; 35 per cent received paper copies of the notification by mail from the Secretariat; 14 per cent obtained notifications via their Geneva-based mission.

60. Of concern were the enquiry points that were not receiving notifications and were not following the work of the SPS Committee. The WTO Secretariat mailed paper copies of all SPS-related documents, including notifications, directly to one address in each Member if so requested. Members were also reminded that the Secretariat had established a self-subscribing e-mail list, and all unrestricted SPS-related documents, including notifications, were sent directly to all subscribers twice each week (http://www.wto.org/english/tratop_e/sps_e/sps_mailing_list_e.htm). Several Members again indicated that problems arose due to the lack of appropriate IT resources to download documents or receive email communications. The ability of Members to comment on notifications was significantly reduced by delays in their receiving notifications.

61. Members discussed the advantages of having the SPS enquiry point also serve as the contact point for one or all of the three international standard-setting organizations (Codex, OIE and IPPC). Such a structure promoted centralized coordination and awareness of the work being undertaken in these organizations. For 58 per cent of Members which responded to the questionnaire, the enquiry point provided other services. However, 38 per cent of enquiry points reported that they were not regularly informed of developments in the relevant international standard-setting bodies.

62. A large number of respondents to the questionnaire indicated that they were unable to attend and participate in the SPS Committee or international standard-setting forums and processes because of financial and technical constraints. One solution suggested was for enhanced coordination at the regional or sub-regional level, to ensure that at least one delegate could represent the region at such meetings.

63. The representative of South Africa stated that there were too many meetings and that the meetings of the SPS Committee were not well coordinated with those of the international standard-setting organisations to facilitate Members' attendance. The Secretariat noted that it was making efforts to schedule SPS Committee back-to-back with relevant meetings of the international standard-setting bodies, but to date this had not had the desired effect of significantly increasing developing country participation in both fora. It was noted that the STDF web page (www.standardsfacility.org) contained a schedule of meetings for 2004 of the SPS Committee, Codex, IPPC and OIE.

V. TECHNICAL ASSISTANCE

64. Many developing countries stressed the need for continued technical assistance, with seminars on implementation of the SPS Agreement held on a regular basis. Risk assessment was highlighted as an area where many Members lacked know-how and laboratory equipment.

A. AGENCIES PROVIDING TECHNICAL ASSISTANCE

65. A number of Members reported that they had received SPS-related technical assistance from, *inter alia*, the WTO; FAO; ITC (<http://www.intracen.org/index.htm>); the Joint Integrated Technical Assistance Programme (JITAP, <http://www.jitap.org/>); the Commonwealth Secretariat (<http://www.thecommonwealth.org/>); the European Commission; the Inter-American Institute for Agricultural Cooperation (IICA, <http://www.iica.int/home.asp>); the German Corporation for International Cooperation (GTZ, <http://www.gtz.de/>); the Swedish International Development Corporation Agency (SIDA, <http://www.sida.se/Sida/jsp/polopoly.jsp?d=107>); the UK Department for International Development (DFID, <http://www.dfid.gov.uk/>); the US Department of Agriculture (USDA, <http://www.usda.gov/>); and the US Agency for International Development (USAID, <http://www.usaid.gov/>).

66. Among the types of technical assistance Members' reported having received were: Jamaica received computers from FAO; Ghana had received support from the JITAP to establish its enquiry point, and assistance from the GTZ for its participation at the SPS Committee meeting and the Special meeting; Georgia had received assistance from USAID for participation in the SPS Committee meeting; and a joint initiative of USDA and IICA had enabled 32 countries from Latin America and the Caribbean to send two capital-based experts to three consecutive meetings of the SPS Committee (G/SPS/GEN/427 and 431), including to the Special meeting.

67. In addition, the representative of Mauritius drew attention to the usefulness of SPS capacity assessments. Mauritius had benefited from such an evaluation conducted by the Commonwealth Secretariat in collaboration with the ITC. SPS capacity assessments for one country could assist in evaluating the capacity of other countries in a region, and such evaluations could also be done by countries within the region. Mauritius, for example, had evaluated the SPS capacity and needs of the Ivory Coast.

68. More information on SPS-related technical assistance was available from the Standards and Trade Development Facility (STDF) Database (G/SPS/GEN/423). The STDF database provided information on SPS-related technical assistance and capacity building projects, including national as well as regional projects, from 2001 to 2003. Data was available from the five partner institutions (FAO, OIE, World Bank, WHO and WTO), multilateral agencies, regional and bilateral donors. This data was an SPS-related subset of that available on the WTO/OECD Trade-Related Technical Assistance and Capacity Building database. A search of the STDF database could be performed under one of four categories: food safety, plant health, animal health and a general category, or by beneficiary country, donor country or agency.

B. EXAMPLES OF TECHNICAL ASSISTANCE OFFERED BY MEMBERS

69. In response to the questionnaire, many Members indicated their willingness to provide technical assistance to enquiry points and notification authorities in least developed countries and developing countries. The types of technical assistance which Members indicated they could provide included:

- assistance with the establishment of enquiry points;
- advice on coordinating with other departments;
- training on dealing with notifications;

- sharing experiences in a workshop or seminar;
- training courses for staff of enquiry points;
- internships in an enquiry point;
- advice on the impact of SPS measures on export and import policies;
- developing training resources for countries;
- sharing procedural manuals;
- mentoring other enquiry points;
- developing SPS databases.

70. Various Members identified particular technical assistance needs in their responses to the questionnaire. Nepal noted that it needed assistance in the establishment of both its enquiry point and notification authority. Angola, Malawi and Senegal specifically identified the need for appropriate equipment, including telephone, fax and internet facilities, for the operation of the enquiry point and/or notification authority. Belarus identified the need for training of staff, to ensure proper administration of the work. Indonesia requested assistance to improve its operations, and particularly to address difficulties with regular coordination among the various institutions involved and with other stakeholders. Senegal also requested assistance with the creation of an effective and well-informed national SPS Committee.

71. Sri Lanka requested practical training on SPS applications and in the conduct of pest risk analysis. They identified a need for SPS-related software on the application of pest risk analysis. Furthermore, Sri Lanka, sought assistance with reviewing regulations to ensure their consistency with SPS and Codex requirements. Angola and Senegal also identified a need for information on international rules and for subscriptions to technical reviews regarding Codex, OIE and IPPC.

C. TECHNICAL ASSISTANCE AVAILABLE

72. Several delegates noted that an abundance of SPS-related training material was readily available. The representative of Mauritius emphasized the importance of officials responsible for the enquiry point and the notification authority studying the training material and then using it to inform colleagues and higher level officials.

73. Training materials from the partner agencies of the STDF were also freely available on the STDF web site (<http://www.standardsfacility.org/training.htm>).

74. The WTO Handbook on transparency was available for free on the WTO SPS web site (http://www.wto.org/english/tratop_e/sps_e/sps_e.htm). Almost 40 per cent of the respondents to the questionnaire indicated that they did not have a copy of the Handbook.⁵

75. It was recalled that Members could receive electronic versions of notifications automatically from the WTO by subscribing at http://www.wto.org/english/tratop_e/sps_e/sps_mailing_list_e.htm

76. WTO Members could request technical assistance, including with the establishment and operation of the enquiry point and notification authority, through the Questionnaire on Technical Assistance (G/SPS/W/113).

77. The representative of GTZ indicated that GTZ could provide funding and training to SPS enquiry points when the notification authority and enquiry point had already been established and the political commitment from the SPS-related agencies to support the programme was present. More detailed information was available from <http://www.gtz.de/themen/economic-development/english/>.

⁵ The Secretariat has subsequently sent copies of the handbook directly to the enquiry points and notification authorities of these Members.

D. SUGGESTIONS FOR FURTHER TECHNICAL ASSISTANCE ACTIVITIES

78. Several suggestions were made for further technical assistance activities that would benefit the operation of the enquiry point and notification authority, including:

- Sponsorship of an enquiry point or notification authority post as part of a technical aid programme. This would provide greater continuity compared to the training of one official to perform the duties, where a high turnover of trained officials could be anticipated;
- Mentoring or "twinning" arrangements, which would permit Members to learn from the enquiry point or notification authority of other Members;
- Training in risk assessment and the development of technical capacity to analyze the scientific justifications given by other Members when a notified measure deviated from the relevant international standard;
- Assistance to participate in the work of the SPS Committee and of the standard-setting organizations; and
- The development of best practice models for enquiry points, to be tested in developing country Members.

VI. CONCLUSION

79. The Special Meeting provided for a discussion on the many constraints that inhibit the effective operation of enquiry points. Members also raised some concrete and specific suggestions to overcome these constraints and offered to provide further technical assistance. Informal meetings on transparency and special and differential treatment held prior to the SPS Committee could be used to further develop ideas raised by Members. Many Members indicated that the special meeting on the operation of enquiry points had provided a good opportunity for them to network with staff from other enquiry points and establish personal contacts. The Secretariat was encouraged to organize special meetings on the operation of enquiry points and notification authorities at least once every three years.
