

**ENHANCING TRANSPARENCY: PROPOSED CHANGES TO
THE RECOMMENDED NOTIFICATION PROCEDURES
(G/SPS/7/REV.1)**

Submission by New Zealand

Revision

New Zealand submitted a proposal suggesting amendments to the SPS Committee's recommended notification procedures (G/SPS/7/Rev.1) for consideration by Members at the 22nd meeting of the SPS Committee. New Zealand is submitting a revised proposal to take into account comments made by Members and provide further rationale behind our proposal.

Summary

1. In order to facilitate discussion and assist Members when considering revisions to the recommended notification procedures, New Zealand has taken the opportunity to submit a suggested redraft of G/SPS/7/Rev.1 for consideration by Members. All changes and comments in the suggested redraft are indicated by [square bracketing] for ease of reference.
2. Key proposed changes and suggested redrafting of the SPS Committee's recommended notification procedures and the notification forms include:
 - (a) Renaming the document and adding additional guidance to expand the scope of G/SPS/7/Rev.1 to incorporate all aspects of SPS transparency envisaged under Article 7 and Annex B of the SPS Agreement.
 - (b) Adding guidance for situations where regulations contain both SPS and TBT measures. This will improve transparency and ensure Members are aware of cross-notification under these two agreements.
 - (c) Adding guidance on documentation that can be used to make corrigenda (Corr.), addenda (Add.) and revisions (Rev.). Although the current procedures do not explicitly provide for these types of secondary notifications, the customary practice of some Members is to make use of them. We suggest providing guidance to ensure a common, consistent approach is taken by Members when using these types of documents.
 - (d) International standards, recommendations or guidelines. In light of suggestions at the 22nd regular meeting of the SPS Committee, we have suggested altering the relevant box on the notification forms to reflect that only the international standards, recommendations or guidelines issued by the three sisters are recognized.
 - (e) Emergency notification form: we suggest splitting the existing box 11 into two boxes along similar lines to that used in the routine notification form.

General principles

3. The Marrakesh Decision on Notification Procedures provided for the Council of Trade in Goods to undertake a review of notification obligations and procedures under the agreements in Annex 1A (international trade in goods) of the WTO Agreement. The General Council adopted this decision on 31 January 1995 and a working group was established on 20 February 1995. This group worked from 1995-1996 and reported and observed in October 1996¹:

- (i) a credible notification process is essential for the effective operation of the WTO;
- (ii) addressing aspects of the notification process should be done with a view to improving compliance with obligations, while also seeking to rationalise requirements and avoid duplication;
- (iii) the overall contribution of the notification process to improved transparency and effective surveillance of trade policies and practices should not be compromised; and
- (iv) the highly technical nature of the requirements in the agreements necessitates that changes should be initiated and developed within the respective committees where the greatest technical expertise and sensitivity resides.

4. We recommend the proposed revision of the recommended notification procedures be guided by these principles. Any revision should encompass changes that are both practical and easy to implement, as well as further embodying a 'no-surprises' approach. The Committee may also find it useful for Members to hold a discussion on the concept of 'trade facilitating' as used in the recommended notification procedures.

5. Our suggested changes are designed to help facilitate compliance with the transparency provisions of the SPS Agreement. It is not our intention to add any further political or moral 'obligations' in this area through adding procedural requirements.

Decision on equivalence (G/SPS/19)

6. In its "Decision on the implementation of Article 4 of the Agreement on the application of sanitary and phytosanitary measures" (G/SPS/19), the SPS Committee agreed to revise the recommended notification procedures to:

"reinforce the existing obligation in paragraph 3(d) of Annex B of the Agreement on the Application of Sanitary and Phytosanitary Measures for national Enquiry Points to provide information, upon request, on the participation in any bilateral or multilateral equivalence agreements of the Member concerned."

7. There is currently no guidance on national enquiry points in the existing procedures, but we suggest it would be useful to include this in the procedures.

¹ G/L/112 – *Report of the working group on notification obligations and procedures*, World Trade Organization (7 October 1996)

WTO Secretariat handbook on SPS transparency

8. The Secretariat published in November 2000 a handbook for Members on SPS transparency (available on the WTO website at www.wto.org). The handbook provided useful guidance to Members on implementing the transparency provisions of the SPS Agreement. We suggest incorporating a reference to this handbook into the recommended notification procedures.

[GUIDELINES FOR IMPLEMENTING THE TRANSPARENCY OBLIGATIONS OF THE SPS AGREEMENT (ARTICLE 7)]

Draft New Zealand text

9. [Transparency in the context of the World Trade Organization (WTO) is used to signify one of the fundamental principles of its agreements: the aim is to achieve a greater degree of clarity, predictability and information about trade policies, rules and regulations of Members. In implementing this concept Members use notifications. Under the SPS Agreement, notifications are used to inform other Members about new or changed regulations² that may significantly affect their trading partners. Transparency under the SPS Agreement also includes answering reasonable questions, and publishing regulations.]

10. [These guidelines have been developed to assist Members fulfil their transparency obligations under Article 7 and Annex B of the SPS Agreement regarding the notification of SPS regulations, answering information requests under the national enquiry point system and publishing regulations.]

11. [When a Member's national notification authority or national enquiry point has been established, or changed, the WTO Secretariat should be informed. The Secretariat regularly circulates a list of all Members' notification authorities and enquiry points. These lists are updated three or four times a year. The national enquiry points are listed in the G/SPS/ENQ/ document series of the WTO, and the notification authorities are listed in the G/SPS/NNA/ series. To be included in these lists, it is useful to provide the following information:]

- [Contact name]
- [Name of institution]
- [Postal address / physical address]
- [Phone]
- [Fax]
- [E-mail]
- [Website address]

12. [Members should also refer to the guidelines on transparency contained in the handbook *How to apply the transparency provisions of the SPS Agreement* (November 2000), when notifying regulations and operating national enquiry points in accordance with Article 7 and Annex B of the SPS Agreement.]

[RECOMMENDED NOTIFICATION PROCEDURES]

13. Members should follow these guidelines when notifying regulations as required in paragraphs 5 or 6 of Annex B. The [format] for routine notifications ([Section ~~Item FH~~] below) should be used for notifications in accordance with paragraph 5 of Annex B, whereas the [format] for emergency notifications ([Section ~~Item GI~~] below) should be used for notifications as provided for in paragraph 6 of Annex B.

² [The SPS Agreement uses the terms 'measures' and 'regulations' somewhat interchangeably when referring to any sanitary or phytosanitary measure such as laws, decrees, or ordinances applied to protect human, animal or plant life or health as defined under paragraph 1 of Annex A to the SPS Agreement. ~~Sanitary and phytosanitary measures such as laws, decrees or ordinances which are applicable generally.~~]

A. Application of Annex B, paragraph 5 (preambular part) of the SPS Agreement

14. For the purposes of Annex B, paragraphs 5 and 6 in the SPS Agreement, the concept of "significant effect on trade of other Members" may refer to the effect on trade:

- of one sanitary or phytosanitary regulation only or of various sanitary or phytosanitary regulations in combination;
- in a specific product, group of products or products in general; and
- between two or more Members.

15. When assessing whether the sanitary or phytosanitary regulation may have a significant effect on trade, the Member concerned should take into consideration, using relevant information which is available, such elements as the value or other importance of imports in respect of the importing and/or exporting Members concerned, whether from other Members individually or collectively, the potential development of such imports, and difficulties for producers in other Members to comply with the proposed sanitary or phytosanitary regulations. The concept of a significant effect on trade of other Members should include both import-enhancing and import-reducing effects on the trade of other Members, as long as such effects are significant.

B. Timing of notifications

16. When implementing the provisions of paragraph 5 of Annex B, a notification should be made when a draft with the complete text of a proposed regulation is available and when amendments can still be introduced and comments taken into account.

17. A notification shall be made well before the entry into force of the relevant measure, except when urgent problems of health protection arise or threaten to arise for the Member concerned. Any regulation brought into force in urgent circumstances must be notified immediately.

C. Requesting documents related to a notification

18. Members requesting documents related to a notification should provide all the elements permitting the identification of the documents, and in particular the WTO SPS notification number to which the requests refer.

19. [When requesting an electronic transmission of documents from another Member, Members should indicate which electronic formats they are able to receive, including applicable versions, e.g. Word 95, Word 97, Adobe PDF.]

[NZL comment: our experience is that the most common problem with using e-mail is that the requesting Member can not read the attachments]

D. Providing documents related to a notification

Address of body supplying the documents

20. Members should indicate under point 12 of the WTO notification [format ~~(point 11 for Emergency notifications)~~] the full address of the body responsible for supplying the relevant documents if that body is not the notification authority or the enquiry point.

Responding to requests

21. Documents requested should normally be provided within five working days. If this is not possible, the request for documentation or information should be acknowledged within that period and an estimate given of the time required to provide the requested documentation.

22. Documents supplied in response to a request should be identified with the WTO SPS notification number to which the request refers.

23. Members should use fax and e-mail facilities to the extent possible in responding to requests for documentation or information. Members are encouraged to publish their sanitary or phytosanitary measures on the world wide web, to facilitate the supply of documents.

Acknowledging receipt of documents

24. The Member requesting documents relating to a notification should acknowledge receipt of the documents provided.

Translation of documents

25. When a translation of a relevant document exists or is planned, this fact should be indicated on the WTO notification form next to the title of the document. If only a translated summary exists, the fact that such a summary is available should be similarly indicated.

26. If a translation of a document or summary exists in the language of the requesting Member, or, as the case may be, in the WTO working language used by the requesting Member, it should be automatically sent with the original of the document requested.

27. Where documents are not available in a WTO working language, developed country Members shall, upon request, supply a translation of the document, or in case of voluminous documents, a translation of a summary of the documents, in a WTO working language.

28. When a Member seeks a copy of a document relating to a notification which does not exist in that Member's WTO working language, the notifying Member should advise the requesting Member of other Members that have requested, as of that date, a copy of the document. The Member seeking a copy of a document relating to a notification may contact other Members in order to determine whether the latter are prepared to share any translation that they have or will be making.

29. Any Member possessing an unofficial translation of a document relating to a notification should inform the notifying Member of the existence of the unofficial translation and is encouraged to make it available to other interested Members, through electronic facilities where appropriate. In doing so, the Member should clearly indicate the unofficial and non-committal nature of the translation.

E. Handling of comments on notifications

30. Each Member should notify the WTO Secretariat of the authority or agency (e.g. its notification authority) which it has designated to be in charge of handling comments received, and of any change and/or modification of such authority or agency.

31. Members submitting comments on a notified draft regulation should provide them without unnecessary delay to the authority designated to handle the comments, or to the national notification authority if no other designation is made.

32. A Member receiving comments through the designated body should, without further request
- (i) acknowledge the receipt of such comments;
 - (ii) explain within a reasonable period of time, and at the earliest possible date before the adoption of the measure, to any Member from which it has received comments, how it will take these comments into account and, where appropriate, provide additional relevant information on the proposed sanitary or phytosanitary regulations concerned;
 - (iii) provide to any Member from which it has received comments, a copy of the corresponding sanitary or phytosanitary regulations as adopted or information that no corresponding sanitary or phytosanitary regulations will be adopted for the time being;
 - (iv) where possible make available to other Members comments and questions it has received and answers it has provided, preferably through electronic facilities.

33. Favourable consideration should be given to requests for extension of the comment period, in particular with regard to notifications relating to products of particular interest to developing country Members, or where there have been delays in receiving and translating the relevant documents. [~~An extension of the time limit for comments of at least 30 days should be provided upon request, whenever possible.~~ Members should consider granting requests for extensions of the time limit for comments whenever practicable, particularly in the case of developing countries, where a 30-day extension should be considered to be acceptable.]

[F. Addenda, corrigenda and revisions]

[NZL comment: Although the current procedures do not explicitly provide for addenda, corrigenda or revisions, the customary practice of some Members is to make use of these documents. We suggest providing guidance to ensure a common, consistent approach is taken by Members when using these types of documents.]

34. [Members, in addition to their original notifications, can also provide supplementary information in three different forms.]

- [Addenda are used to provide additional information or changes to an original notification.]
- [A corrigendum is used to correct an error in an original notification such as an incorrect address detail.]
- [A revision is used to completely replace an existing notification.]

[Addenda]

35. [Members should notify changes in the status of a notified SPS regulation. The issuance of an addendum allows Members to track the status of an SPS regulation via its unique notification number. Addenda to SPS notifications should be made in a number of circumstances, such as:]

- (a) [when a proposed regulation is either adopted or comes into force;]
- (b) [if a proposed regulation is withdrawn;]
- (c) [if a regulation is revoked;]
- (d) [if the comments period has been extended;]
- (e) [if the period of application of a regulation is extended;]
- (f) [if the scope of application of a regulation is extended, both in terms of Members affected and products covered.]

- (g) [An addendum should:]
- [briefly recap what was notified, when and what it was about - this is a practical requirement, and reduces the need for Members to have to go back to the original notification to check what it was about;]
 - [specify what change has been made and why - briefly state why the information, dates, etc have been changed; and]
 - [restate the comments deadline, even if it has not been changed - as a reminder to Members that if they wish to comment it must be done by this date.]

36. [A form for making an addendum is available in section H for routine notifications and section I for notifications of emergency measures.]

[Corrigenda]

37. [Members should inform the Secretariat of any error(s) contained in their original notification. The Secretariat will issue a corrigendum accordingly.]

38. [A form for making a corrigendum is available in section H for routine notifications and section I for notifications of emergency measures.]

[Revisions]

39. [Revisions are used to completely replace an existing notification. An example might be when a previously notified SPS measure has been substantively changed or if a notification contained a large number of errors which necessitated issuing a revision.]

40. [A form for making a revision is available in section H for routine notifications and section I for notifications of emergency measures.]

[G. REGULATIONS THAT CONTAIN BOTH SPS AND TBT MEASURES]

[NZL comment: The current procedures could usefully be revised to include guidance for Members notifying a regulation that contains both SPS and TBT measures particularly in the interests of transparency and to ensure that Members are aware of cross-notification under two agreements.]

41. [When a regulation contains both SPS and TBT measures, it should be notified according to both the SPS and TBT Agreements, preferably with an indication of which parts of the regulation fall under SPS Agreement (e.g. a food safety measure) and which parts fall under the TBT Agreement (e.g., quality or compositional requirements).]

H. Completion of formats - routine notifications (Annex b, paragraph 5)

42. Information contained in the notifications should be as complete as possible and no section should be left blank. Where necessary, "not known" or "not stated" should be indicated.

Item	Description
1. Member notifying	Government, including the competent authorities of the European Communities, which is making the notification.
2. Agency responsible	Body elaborating a proposal for or promulgating a sanitary or phytosanitary regulation.
3. Products covered and regions or countries likely to be affected	Tariff item number(s) (normally HS, chapter or heading and number) as contained in national schedules deposited with the WTO. ICS numbers may be provided in addition, where applicable. A clear description is important for an understanding of the notification by delegations and translators. Abbreviations should be avoided. The geographical regions or countries likely to be affected by the notified regulation should be identified to the extent relevant or practicable.
4. Title, [language] and number of pages of the notified document	<p>[Title of the proposed or adopted sanitary or phytosanitary regulation. Number of pages in the notified document. Languages in which the notified document is available. World-wide web address of document notified, if available.]</p> <p>[If a translation exists of the whole document, or a translated summary of the document exists, indicate this here.]</p>
5. Description of content	<p>A summary of the proposed or adopted sanitary or phytosanitary regulation clearly indicating its content and health protection objective. The summary should be as complete and accurate as possible to allow the full understanding of the proposed regulation. To the extent possible, likely effects on trade should be described. Abbreviations should be avoided. Where practicable it should also include an outline of the specific sanitary measures the regulation will apply.</p> <p>[When a regulation contains both SPS and TBT measures, it should be notified according to both the SPS and TBT Agreements, preferably with an indication of which parts of the regulation fall under the SPS Agreement and which parts fall under the TBT Agreement.]</p>
6. Objective and rationale	State whether objective is: protection of human health from food-borne risks; or protection of human health from plant- or animal-carried diseases; or protection of animal health from pests or diseases; or protection of animal health from contaminated feed; or protection of plant health from pests or diseases; or prevention of other damage from entry[, establishment] or spread of pests.

Item	Description
7. Existence of international standard, guideline or recommendation	If a relevant international standard, guideline or recommendation [does not exist[s], put a cross in the box provided [for the appropriate standard-setting organisation and ; otherwise] give the appropriate reference of the existing standard, guideline or recommendation and briefly describe how the proposed regulation deviates from the international standard, guideline or recommendation. [If no international standards, guideline or recommendation exists, put a cross in the box 'none'.]
8. Relevant documents and language(s) in which these are available	<p>[Documents referenced here are different from those listed in box 3. Documents which should be referenced include:]</p> <p>(a) Publication where notice of the proposed regulation appears, including date and reference numbers;</p> <p>(b) Proposal and basic document to which proposal refers (with specific reference number or other identification), and the language(s) in which the notified documents and any summary of these are available;</p> <p>(c) Publication in which proposal will appear when adopted.</p> <p>[(d)] If it is necessary to charge for documents supplied, the amount of the charge should be indicated.</p>
9. Proposed date of adoption	The date when the sanitary or phytosanitary regulation is expected to be adopted.
10. Proposed date of entry into force	The date from which the requirements in the regulation are proposed or decided to enter into force. Where appropriate, Members should accord longer time-frames for compliance on products of interest to developing country Members.
11. Final date for comments and agency or authority handling comments	<p>The date by which Members may submit comments in accordance with Annex B, Paragraph 5(b) of the SPS Agreement. A specific date should be indicated. A normal time limit for comments on notifications of sixty days has been recommended. A Member may, if necessary, however, indicate in its notification that it will proceed to implement the proposed measure after forty-five days if no comments or requests for extension of the time limit have been received from other Members within that time. Any Member which is able to provide a time limit beyond sixty days is encouraged to do so.</p> <p>The agency or authority which has been designated to handle the comments should be indicated. If this is the national notification authority or the national enquiry point, put a cross in the box provided. If another agency or authority has been designated, provide its name, address, fax and (if available) E-mail address.</p> <p>For proposed measures which facilitate trade, Members may reduce or eliminate the period for receiving comments.</p>

Item	Description
12. Texts available from	<p>If available from the national notification authority or the enquiry point, put a cross in the respective box. If available from another body, give its address, fax number and (if available) E-mail address. Such indications do not in any way discharge the relevant enquiry point of its responsibilities under the provisions of Annex B, Paragraphs 3 and 4 of the SPS Agreement. [World wide web address of document notified, if available.]</p> <p>[NZL comment: the web address for a notified document seems to us to sit more logically in box 12 rather than box 4.]</p>

WORLD TRADE ORGANIZATION

G/SPS/N/ISO/
date of distribution

(##-####)

Committee on Sanitary and Phytosanitary Measures

Original:

NOTIFICATION

1. Member to Agreement notifying: If applicable, name of local government involved:
2. Agency responsible:
3. [Products covered (provide tariff item number(s) as specified in national schedules deposited with the WTO; ICS numbers may be provided in addition, where applicable): Regions or countries likely to be affected, to the extent relevant or practicable:]
4. Title[, language] and number of pages of the notified document:
5. Description of content:
6. Objective and rationale: [] food safety, [] animal health, [] plant protection, [] protect humans from animal/plant pest or disease, [] protect territory from other damage from pests
7. [International standard, guideline or recommendation: [] Codex Alimentarius Commission, [] Office International des Epizooties, [] International Plant Protection Convention, [] None If an international standard, guideline or recommendation exists, give the appropriate reference and briefly identify deviations:]
8. Relevant documents and language(s) in which these are available:
9. Proposed date of adoption:
10. Proposed date of entry into force:
11. Final date for comments: Agency or authority designated to handle comments: [] National notification authority, [] National enquiry point, or address, fax number and E-mail address (if available) of other body:
12. Texts available from: [] National notification authority, [] National enquiry point, or address, fax number and E-mail address (if available) of other body:

[NZL comment: This form is a replica of the normal notification form used for routine notifications – the only differences are the addition of the code “Rev.#” and the word “Revision”.]

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G/SPS/N/ISO/#/Rev.#
date of distribution

(##-####)

Committee on Sanitary and Phytosanitary Measures

Original:

NOTIFICATION

Revision

1.	Member to Agreement notifying: If applicable, name of local government involved:
2.	Agency responsible:
3.	Products covered (provide tariff item number(s) as specified in national schedules deposited with the WTO; ICS numbers may be provided in addition, where applicable): Regions or countries likely to be affected, to the extent relevant or practicable:
4.	Title, language and number of pages of the notified document:
5.	Description of content:
6.	Objective and rationale: <input type="checkbox"/> food safety, <input type="checkbox"/> animal health, <input type="checkbox"/> plant protection, <input type="checkbox"/> protect humans from animal/plant pest or disease, <input type="checkbox"/> protect territory from other damage from pests
7.	International standard, guideline or recommendation: <input type="checkbox"/> Codex Alimentarius Commission, <input type="checkbox"/> Office International des Epizooties, <input type="checkbox"/> International Plant Protection Convention, <input type="checkbox"/> None If an international standard, guideline or recommendation exists, give the appropriate reference and briefly identify deviations:
8.	Relevant documents and language(s) in which these are available:
9.	Proposed date of adoption:
10.	Proposed date of entry into force:
11.	Final date for comments: Agency or authority designated to handle comments: <input type="checkbox"/> National notification authority, <input type="checkbox"/> National enquiry point, or address, fax number and E-mail address (if available) of other body:
12.	Texts available from: <input type="checkbox"/> National notification authority, <input type="checkbox"/> National enquiry point, or address, fax number and E-mail address (if available) of other body:

[NZL Comment: This notification form for addenda is based on the existing practice and format used by Members.]

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G/SPS/N/ISO/#/Add.#
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(##-####)

Committee on Sanitary and Phytosanitary Measures

Original:

NOTIFICATION

Addendum

The following communication, dated # Month Year has been received from [Member].

Title outlining what the SPS measure or product is

[Text]

[Where the notified document can be obtained from – include contact name, agency, full address, telephone, facsimile, and email as appropriate].

[NZL Comment: This notification form for corrigenda is based on the existing practice and format used by Members.]

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G/SPS/N/ISO/#/Corr.#
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(##-####)

Committee on Sanitary and Phytosanitary Measures

Original:

NOTIFICATION

Corrigendum

The following communication, dated # Month Year has been received from [Member].

Title outlining what the SPS measure or product is

[Text]

[Where the notified document can be obtained from – include contact name, agency, full address, telephone, facsimile, and email as appropriate].

I. Completion of formats - emergency notifications (Annex b, paragraph 6)

43. Information contained in the notification form should be as complete as possible and no section should be left blank. Where necessary, "not known" or "not stated" should be indicated.

Item	Description
1. Member notifying	Government, including the competent authorities of the European Communities, which is making the notification.
2. Agency responsible	Body elaborating a proposal for or promulgating a sanitary or phytosanitary regulation.
3. Products covered and regions or countries likely to be affected	Tariff item number(s) (normally HS, chapter or heading and number) as contained in national schedules deposited with the WTO. ICS numbers may be provided in addition, where applicable. A clear description is important for an understanding of the notification by delegations and translators. Abbreviations should be avoided. The geographical regions or countries likely to be affected by the notified regulation should be identified to the extent relevant or practicable.
4. Title[, language] and number of pages of the notified document	Title of the proposed or adopted sanitary or phytosanitary regulation. Number of pages in the notified document. [Languages in which the notified document is available. World wide web address of document notified, if available. [If a translation exists of the whole document, or a translated summary of the document exists, indicate this here.]
5. Description of content	A summary of the proposed or adopted sanitary or phytosanitary regulation clearly indicating its content and health protection objective. The summary should be as complete and accurate as possible to allow the full understanding of the proposed regulation. To the extent possible, likely effects on trade should be described. Abbreviations should be avoided. Where practicable it should also include an outline of the specific sanitary measures the regulation will apply. [When a regulation contains both SPS or TBT measures, it should be notified according to both the SPS and TBT Agreements, preferably with an indication of which parts of the regulation fall under the SPS Agreement and which parts fall under the TBT Agreement.]

Item	Description
6. Objective and rationale	State whether objective is: protection of human health from food-borne risks; or protection of human health from plant- or animal-carried diseases; or protection of animal health from pests or diseases; or protection of animal health from contaminated feed; or protection of plant health from pests or diseases; or prevention of other damage from entry[, establishment] or spread of pests.
7. Nature of urgent problem(s)	Indication of the underlying reasons for resorting to emergency action.
8. Existence of international standard, guideline or recommendation	If a relevant international standard, guideline or recommendation [does not exist[s], put a cross in the box provided [for the appropriate standard-setting organisation and ; otherwise] give the appropriate reference of the existing standard, guideline or recommendation and briefly describe how the proposed regulation deviates from the international standard, guideline or recommendation. [If no international standards, guideline or recommendation exists, put a cross in the box 'none'.]
9. Relevant documents and language(s) in which these are available	[Documents referenced here are different to those listed in box 3. Documents which should be referenced include:] (a) Measure(s) taken and basic regulation which was modified (with specific reference number or other identification), and the language(s) in which the notified documents and any summary of these are available; (b) Publication in which regulation will appear; [(c) Risk analysis and/or research on which the proposed regulation is based.] (e) If it is necessary to charge for documents supplied, the amount of the charge should be indicated.
10. Date of entry into force and period of application	The date from which the requirements entered into force, and, if applicable, the period of time during which they will apply. (For example: immediate entry into force [date], duration of two months.)
[11. Agency or authority handling comments]	[The agency or authority which has been designated to handle the comments should be indicated. If this is the national notification authority or the national enquiry point, put a cross in the box provided. If another agency or authority has been designated, provide its name, address, fax and (if available) E-mail address.]

Item	Description
<p>[12. 41. Texts available from and agency or authority handling comments]</p>	<p>If available from the national notification authority or enquiry point, put a cross in the respective box. If available from another body, give its address, fax number and (if available) E-mail address. Such indications do not in any way discharge the relevant enquiry point of its responsibilities under the provisions of Annex B, Paragraphs 3 and 4 of the SPS Agreement. [World wide web address of document notified, if available.]</p> <p>[The agency or authority which has been designated to handle the comments should be indicated.]</p> <p>[NZL comment: the web address for a notified document seems to us to sit more logically in box 12 rather than box 4.]</p>

WORLD TRADE ORGANIZATION

G/SPS/N/ISO/
date of distribution

(##-####)

Committee on Sanitary and Phytosanitary Measures

Original:

NOTIFICATION OF EMERGENCY MEASURES

1. Member to Agreement notifying: If applicable, name of local government involved:
2. Agency responsible:
3. Products covered (provide tariff item number(s) as specified in national schedules deposited with the WTO; ICS numbers may be provided in addition, where applicable): Regions or countries likely to be affected, to the extent relevant or practicable:
4. Title, language and number of pages of the notified document:
5. Description of content:
6. Objective and rationale: <input type="checkbox"/> food safety, <input type="checkbox"/> animal health, <input type="checkbox"/> plant protection, <input type="checkbox"/> protect humans from animal/plant pest or disease, <input type="checkbox"/> protect territory from other damage from pests
7. Nature of the urgent problem(s):
8. International standard, guideline or recommendation: <input type="checkbox"/> Codex Alimentarius Commission, <input type="checkbox"/> Office International des Epizooties, <input type="checkbox"/> International Plant Protection Convention, <input type="checkbox"/> None If an international standard, guideline or recommendation exists, give the appropriate reference and briefly identify deviations:
9. Relevant documents and language(s) in which these are available:
10. Date of entry into force/period of application (as applicable):
11. [Agency or authority designated to handle comments: <input type="checkbox"/> National notification authority, <input type="checkbox"/> National enquiry point, or address, fax number and E-mail address (if available) of other body:]
12. [Texts available from: <input type="checkbox"/> National notification authority, <input type="checkbox"/> National enquiry point, or address, fax number and E-mail address (if available) of other body:]

[NZL comment: This form is a replica of the normal notification form used for emergency notifications – the only differences are the addition of the code “Rev.#” and the word “Revision”.]

WORLD TRADE ORGANIZATION

G/SPS/N/ISO/#/Rev.#
date of distribution

(##-####)

Committee on Sanitary and Phytosanitary Measures

Original:

NOTIFICATION OF EMERGENCY MEASURES

Revision

1. Member to Agreement notifying: If applicable, name of local government involved:
2. Agency responsible:
3. Products covered (provide tariff item number(s) as specified in national schedules deposited with the WTO; ICS numbers may be provided in addition, where applicable): Regions or countries likely to be affected, to the extent relevant or practicable:
4. Title, language and number of pages of the notified document:
5. Description of content:
6. Objective and rationale: <input type="checkbox"/> food safety, <input type="checkbox"/> animal health, <input type="checkbox"/> plant protection, <input type="checkbox"/> protect humans from animal/plant pest or disease, <input type="checkbox"/> protect territory from other damage from pests
7. Nature of the urgent problem(s):
8. International standard, guideline or recommendation: <input type="checkbox"/> Codex Alimentarius Commission, <input type="checkbox"/> Office International des Epizooties, <input type="checkbox"/> International Plant Protection Convention, <input type="checkbox"/> None If an international standard, guideline or recommendation exists, give the appropriate reference and briefly identify deviations:
9. Relevant documents and language(s) in which these are available:
10. Date of entry into force/period of application (as applicable):
11. [Agency or authority designated to handle comments: <input type="checkbox"/> National notification authority, <input type="checkbox"/> National enquiry point, or address, fax number and E-mail address (if available) of other body:]
12. [Texts available from: <input type="checkbox"/> National notification authority, <input type="checkbox"/> National enquiry point, or address, fax number and E-mail address (if available) of other body:]

[NZL Comment: This notification form for addenda is based on the existing practice and format used by Members.]

WORLD TRADE ORGANIZATION

G/SPS/N/ISO/#/Add.#
date of distribution

(##-####)

Committee on Sanitary and Phytosanitary Measures

Original:

NOTIFICATION OF EMERGENCY MEASURES

Addendum

The following communication, dated # Month Year has been received from [Member].

Title outlining what the SPS measure or product is

[Text]

[Where the notified document can be obtained from – include contact name, agency, full address, telephone, facsimile, and email as appropriate].

[NZL Comment: This notification form for corrigenda is based on the existing practice and format used by Members.]

WORLD TRADE ORGANIZATION

G/SPS/N/ISO/#/Corr.#
date of distribution

(##-####)

Committee on Sanitary and Phytosanitary Measures

Original:

NOTIFICATION OF EMERGENCY MEASURES

Corrigendum

The following communication, dated # Month Year has been received from [Member].

Title outlining what the SPS measure or product is

[Text]

[Where the notified document can be obtained from – include contact name, agency, full address, telephone, facsimile, and email as appropriate].

[J. Notification of equivalence agreements]

44. [The WTO Secretariat has proposed a format for the notification of equivalence agreements and this has been distributed to Members in G/SPS/W/114.]

[K. Completed notifications]

45. [Notifications should be sent by fax, e-mail or air mail from the national notification authority to the central registry of notifications (CRN) at the WTO. The address is:]

[Central Registry of Notifications
World Trade Organization
Rue de Lausanne 154
1211 Geneva 21
Switzerland
Fax: (+41 22) 739 5638
e-mail: crn@wto.org]

[Members are not required to send the legal texts of the proposed regulation that is being notified.]

[GUIDELINES FOR NATIONAL ENQUIRY POINT REQUESTS]

[NZL comment: In its "Decision on the implementation of Article 4 of the Agreement on the application of sanitary and phytosanitary measures" (G/SPS/19), the SPS Committee agreed to revise the recommended notification procedures to:

"reinforce the existing obligation in paragraph 3(d) of Annex B of the Agreement on the Application of Sanitary and Phytosanitary Measures for national Enquiry Points to provide information, upon request, on the participation in any bilateral or multilateral equivalence agreements of the Member concerned."

We suggest that it would also be useful to provide general guidance on national enquiry points as well.]

46. [The national enquiry point system established under the SPS Agreement is an effective avenue for obtaining information regarding SPS systems and measures from other Members.]

47. [The national enquiry point handles on a routine basis:]

- [document and information requests;]
- [general enquiries; and]
- [delivery and charging of documents.]

[L. Document and information requests]

48. [Under Annex B of the SPS Agreement, the national enquiry point is the single government body responsible for providing answers to all reasonable questions from interested Members as well as for the provision of relevant documents regarding:]

- [any sanitary or phytosanitary regulations adopted or proposed within the territory;]
- [any control and inspection procedures, production and quarantine treatment, pesticide tolerance and food additive approval procedures, which are operated within its territory;]

- [risk assessment procedures, factors taken into consideration, as well as the determination of the appropriate level of sanitary or phytosanitary protection;]
- [the membership and participation of the Member, or of relevant bodies within its territory, in international and regional sanitary and phytosanitary organisations and systems;]
- [the membership and participation of the Member in bilateral and multilateral agreements and arrangements within the scope of the SPS Agreement; and]
- [the texts of such agreements and arrangements.]

M. Requests for information

49. [Government agencies other than the national enquiry point in a Member's territory will continue to receive direct requests on matters such as those outlined above, and they should be free to continue answering them. Enquiries that come to the individual units within government agencies (i.e. not through the enquiry point) can be answered directly and do not need to be processed through the enquiry point system. However, in order to support the enquiry point system, it is recommended to send a copy of replies (and a list of material supplied) to the national enquiry point. However, the enquiry point is listed by the WTO as having the responsibility described in the preceding paragraph, and must respond to any requests made of it.]

50. [Requests to the national enquiry point may come from other Member's national enquiry points or originate from other interested parties (such as industry groups) in a Members' territory, and from non-Members. Although the legal obligation is only to respond to requests from other Members, the enquiry point is encouraged to treat all such enquiries equally, and respond to all reasonable requests for information about the country's SPS regulations. It is best to reply directly to whoever makes the request, but to support the enquiry point system, it is recommended to send a copy of replies (and a list of material supplied) to the relevant Member's national enquiry point.]

[N. Delivery and charging]

51. [Delivery of documents should be by the fastest means possible. In the first instance, if the Member has such facilities, the documents should be sent by e-mail, or by fax. Alternatively, a Member can send the documents by post or via a requesting Member's diplomatic mission in their territory.]

52. [A Member may only charge the same cost for the documents as it would for its own nationals plus the cost of delivering the documents.]

[PUBLICATION OF REGULATIONS]

[**NZL comment:** As the committee has decided to revise the existing procedures to include implementation issues involving national enquiry points, it makes sense to include the third aspect of transparency – the publication of regulations.]

53. [The publication of regulations is a fundamental component of transparency under the SPS Agreement. This is a general obligation on Members, and does not relate specifically to the work of either the national notification authority or national enquiry point.]

54. [Members are obliged to:]

- (a) [ensure that all SPS regulations which have been adopted are published promptly in such a manner as to enable interested countries to become acquainted with them.]

Regulations to be published include laws, decrees or ordinances which are applicable generally.]

- (b) [except in urgent circumstances, allow a reasonable interval between the publication of a sanitary or phytosanitary regulation and its entry into force in order to allow time for producers in exporting countries and particularly in developing countries, to adapt their products and methods of production to the requirements of the importing country.]

[N. Internet]

55. [Members are encouraged to publish SPS regulations on the Internet where possible. Publication on the internet has a number of advantages and benefits to Members over more traditional methods. It:]

- (a) [allows for greater transparency;]
 - (b) [makes it easier for Members to obtain documents; and]
 - (c) [reduces the amount of work involved in processing and fulfilling document requests.]
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