

**PROPOSAL FOR AMENDING THE RECOMMENDED TRANSPARENCY
PROCEDURES RELATING TO THE COMMENT
PERIOD OF SPS NOTIFICATIONS**

Submission by China

Based on the Report of the Analysis on SPS Notifications in 2002 (G/SPS/GEN/377), the delegation of China suggests amending the "Recommended Procedures for Implementing the Transparency Obligations of the SPS Agreement (Article 7)" (G/SPS/7/Rev.2, hereinafter the "Recommended Transparency Procedures") and the guidance for completion of the SPS notification format relating to the comment period as follows.

1. According to the Recommended Transparency Procedures (paragraph 8), "Members shall normally allow a period of at least sixty days for comments", but in fact, Members did not do well in implementing this provision. The comment periods for most of the notifications were less than sixty days. There are two reasons for this situation. On the one hand, there is a lot of work to be done by the WTO secretariat before an SPS notification can be circulated as a document; for example, the competent SPS agency must submit the notification to the WTO secretariat who will then review, translate and circulate the notification. All this work is time consuming. So the comment period is likely to be less than 60 days from the date when the WTO secretariat circulates the notification. On the other hand, the comment periods offered by some Member for some of the notifications are less than 60 days. Therefore, the delegation of China suggests to modify the last sentence in paragraph 8 of the Recommended Transparency Procedures by adding "**which should be calculated from the date of circulation by the WTO secretariat**" after the words "sixty days". The revised sentence would be "Members shall normally allow a period of at least sixty days, **which should be calculated from the date of circulation by the WTO secretariat**, for comments".

2. Item 12 of the table under paragraph 36 of the Recommended Transparency Procedures should be revised accordingly as follows:

<p>12. Final date for comments and agency or authority handling comments</p>	<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 Member shall normally allow a period of at least sixty days, which should be calculated from the date of circulation by the WTO Secretariat. for comment. Any Member which is able to provide a time limit beyond sixty days is encouraged to do so. The final date should be indicated as _____ days(>=60days) after circulation by the WTO Secretariat.</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>
--	--