

Committee on Sanitary and Phytosanitary Measures

**COMPILATION OF PROPOSALS REGARDING THE REVISION OF THE
"RECOMMENDED PROCEDURES FOR IMPLEMENTING THE TRANSPARENCY
OBLIGATIONS OF THE SPS AGREEMENT (ARTICLE 7)"**

Note by the Secretariat¹

In an effort to facilitate the discussions of Members on transparency in the context of the upcoming Workshop on Transparency (15-16 October)² and the subsequent meeting of the SPS Committee (17-19 October)³, the Secretariat has prepared a draft Revision of the Recommended Procedures for Implementing the Transparency Obligations of the SPS Agreement (Article 7) found in G/SPS/7/Rev.2.

This draft Revision consolidates suggestions and proposals put forth by Members, in particular in the context of the Second Review of the Implementation of the SPS Agreement and in discussions with regard to transparency at meetings of the SPS Committee.⁴ It also includes prior decisions by the Committee relating to transparency (e.g. unofficial translations, recognition of equivalence) as well as some suggestions from the WTO Secretariat, mainly for the clarity and consistency of the document, based on the experience gained and observations made in the past years.

For ease of reference and comparison, the proposed changes are highlighted in this document.

The Committee will be invited to adopt the revised recommendation during its meeting of 18-19 October 2007.

¹ This document has been prepared under the Secretariat's own responsibility and is without prejudice to the position of Members or to their rights and obligations under the WTO.

² See G/SPS/GEN794/Rev.1 for the programme of the workshop.

³ See WTO/AIR/3061 for the proposed agenda for the Committee meeting.

⁴ Since the last SPS Committee meeting held in June 2007, two additional submissions have been received with respect to transparency. These submissions were circulated as G/SPS/W/212 from China, and as G/SPS/W/214 from New Zealand.

**RECOMMENDED PROCEDURES FOR IMPLEMENTING
THE TRANSPARENCY OBLIGATIONS OF
THE SPS AGREEMENT (ARTICLE 7)**

Revision⁵

1. 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 regulations that may significantly affect their trading partners.⁶ Transparency under the SPS Agreement also includes answering reasonable questions, and publishing regulations.

2. These procedures 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.

IDENTIFICATION OF THE NATIONAL NOTIFICATION AUTHORITY AND OF THE NATIONAL ENQUIRY POINT

3. In accordance with paragraph 10 of Annex B, Members are obliged to designate "a single central government authority" as responsible for the implementation at the national level of the transparency provisions. Paragraph 3 of Annex B indicates that each Member "shall ensure that one enquiry point exists" which is responsible for the provision of answers to all reasonable questions as well as the provision of relevant documents.

4. 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, and this information is available also on the WTO website. 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. It is useful to provide the following contact information so that they can be included in the lists:

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

5. 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

⁵ To be issued as G/SPS/7/Rev.3 upon adoption by the SPS Committee.

⁶ 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.

regulations and operating national enquiry points in accordance with Article 7 and Annex B of the SPS Agreement.

RECOMMENDED NOTIFICATION PROCEDURES

6. Members should follow these procedures when notifying regulations as required in paragraphs 5 or 6 of Annex B. The form for routine notifications (see Annex A-1) should be used for notifications in accordance with paragraph 5 of Annex B, whereas the form for emergency notifications (see Annex B-1) should be used for notifications as provided for in paragraph 6 of Annex B.

A. APPLICATION OF ANNEX B, PARAGRAPH 5 (PREAMBULAR PART) OF THE SPS AGREEMENT

7. Members are obliged to notify all regulations for which the content is "not substantially the same as the content of an international standard, guideline or recommendation", if such regulations are expected to have a significant impact on trade. Furthermore, Members are encouraged to notify all regulations that are based on, conform to, or are substantially the same as an international standard, guideline or recommendation, if they are expected to have a significant impact on trade.⁷

8. For the purposes of Annex B, paragraphs 5 and 6 of 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.

9. To assess whether the sanitary or phytosanitary regulation may have a significant effect on trade, the Member concerned should consider relevant available information such as: the value or other importance of imports to 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, particularly in developing country 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

10. When implementing the provisions of paragraph 5 of Annex B, a notification should be made at an early stage 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.⁸ Members shall normally allow a period of at least sixty days for comments, except for proposed measures which facilitate trade. The 60-day comment period should begin with the circulation of the notification by the WTO

⁷See proposal from Canada in G/SPS/GEN/778. See also submissions from New Zealand (G/SPS/W/150, G/SPS/W/157, and G/SPS/W/168), Canada (G/SPS/W/158), European Communities (G/SPS/W/159) and Chile (G/SPS/W/170).

⁸ See proposal from Egypt in Job(07)/104.

Secretariat.⁹ Any Member which is able to provide a time-limit beyond sixty days is encouraged to do so.¹⁰

11. A notification shall be made well before the entry into force of the relevant measure, including measures which conform to the relevant international standards¹¹, 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 and a rationale for the urgent action provided.

12. The late notification of a measure already in force does not in and of itself constitute sufficient reason for the use of the emergency format. When urgent problems of health protection are not involved, late notifications should be made using the regular format and consideration should still be given to all comments received.

C. REQUESTING DOCUMENTS RELATED TO A NOTIFICATION

13. Members requesting documents related to a notification should provide all the information necessary to identify the documents, and in particular the WTO SPS notification number to which the requests refer.

14. When requesting an electronic transmission of documents from another Member, Members should indicate which electronic formats they are able to receive, including compatible versions.

D. PROVIDING DOCUMENTS RELATED TO A NOTIFICATION

Address of body supplying the documents

15. Members should indicate under point 12 of the WTO notification format the full address of the body responsible for supplying the relevant documents if that body is not the notification authority or the enquiry point. Where the relevant documents are also available from a website, the website address should be provided.

Responding to requests

16. 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. With a view to facilitating the timely provision of comments on notifications, Members are strongly encouraged to comply with the five-day deadline.¹²

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

18. 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

⁹ See proposal from China in G/SPS/W/212. See also submissions from China (G/SPS/W/162), Chile (G/SPS/W/170), and Egypt (Job.(07)/104).

¹⁰ See Procedure to Enhance Transparency of Special and Differential Treatment in Favor of Developing Countries (G/SPS/33), step 1.

¹¹ See proposal from Canada in G/SPS/GEN/778. See also submissions from New Zealand (G/SPS/W/150, G/SPS/W/157, and G/SPS/W/168), Canada (G/SPS/W/158), European Communities (G/SPS/W/159) and Chile (G/SPS/W/170).

¹² See proposal from China in G/SPS/W/212.

measures on the Web, to facilitate the supply of documents, and to provide the address of relevant websites.

Acknowledging receipt of documents

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

Translation of documents

20. 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.

21. 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.

22. 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 document, in a WTO working language.

23. 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.

24. 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 should submit to the Secretariat a supplement to the original notification submitted by a Member. The supplement should indicate the address for requesting a copy or the Web address where the unofficial translation can be found. The format of the supplement can be found in Annex C. Neither the Secretariat nor the Member providing the unofficial translation can be held responsible for the accuracy or quality of these translations.¹³

E. HANDLING OF COMMENTS ON NOTIFICATIONS

25. 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.

26. 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.

27. A Member receiving comments through the designated body should, without further request:

- (i) acknowledge the receipt of such comments;

¹³ See G/SPS/GEN/487 for further information on this mechanism.

- (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) make available to other Members, where possible, comments and questions it has received and answers it has provided, preferably via electronic means.

28. Members should grant requests for extension of the comment period wherever practicable, in particular with regard to notifications relating to products of particular interest to developing country Members, where there have been delays in receiving and translating the relevant documents or where there is a need for further clarification of the measure notified. A 30-day extension should normally be provided.

29. Members are also encouraged to use the "Procedure to Enhance Transparency of Special and Differential Treatment in Favour of Developing Countries" (G/SPS/33).¹⁴

F. ADDENDA, REVISIONS AND CORRIGENDA

30. In addition to their original notifications, Members can also provide supplementary information in three different forms.

- An addendum is used to provide additional information or changes to an original notification. A Member may wish to indicate on the addendum if the final regulation has been substantially modified from the notified proposal.
- A corrigendum is used to correct an error in an original notification such as an incorrect address detail.
- A revision is used to replace an existing notification.

Any addendum or corrigendum should be read in conjunction with the original notification.

Addenda

31. 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) if the comment period has been extended;
- (b) when a proposed regulation is either adopted or comes into force. A Member may wish to indicate on the addendum if the final regulation has been substantially modified from the notified proposal. Members are strongly encouraged to strictly follow this recommendation and inform other Members in a timely manner.¹⁵

¹⁴ In accordance with its decision contained in G/SPS/33/Add.1, the SPS Committee is mandated to review the implementation of this procedure no later than its first regular meeting in 2008, with a view to deciding then whether to continue with the same procedure or introduce modifications.

¹⁵ See submissions from China (G/SPS/W/212) and the European Communities (G/SPS/W/159).

- (c) if the content of a previously notified draft regulation is changed, or if the scope of application of the existing notification is reduced or extended, either in terms of Members affected or products covered. ~~Such a change may warrant the extension of the comment period.~~ Such an addendum should provide for a new 60-day comment period starting with the date of distribution of the addendum unless the notified change is of a trade-facilitating nature or is negligible.¹⁶
- (d) if a proposed regulation is withdrawn;
- (e) If there is a change in the proposed date of adoption, date of publication or date of entry into force.

In the case of an emergency notification, an addendum should also be submitted if the period of application of the existing notification is extended.

32. 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.

33. A form for making an addendum is available in Annex A-2 for routine notifications and in Annex B-2 for notifications of emergency measures.

Revisions

34. Revisions **replace** an existing notification. Revisions should be submitted, for example, ~~when the scope of application of a notified regulation is extended, either in terms of Members affected or products covered,~~ or if a notification contained a large number of errors which necessitated issuing a revision. A Member should provide a further period for comments on the revised notification, normally 60 days beginning with the distribution of the revised notification.¹⁷

35. A form for making a revision is available in Annex A-3 for routine notifications and Annex B-3 for notifications of emergency measures.

Corrigenda

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

37. A form for making a corrigendum is available in Annex A-4 for routine notifications and Annex B-4 for notifications of emergency measures.

¹⁶ WTO Secretariat proposal to minimize confusion regarding the difference between this recommendation and the recommendation with respect to revisions, below. See also footnote 17.

¹⁷ Proposal from the WTO Secretariat. The section proposed for deletion has led to some confusion in its implementation in the past. Therefore it is proposed that all changes to the scope of application of a notification be submitted as an Addendum. See also footnote 16.

G. REGULATIONS THAT CONTAIN BOTH SPS AND TBT MEASURES

38. 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. NOTIFICATION OF DETERMINATION OF THE RECOGNITION OF EQUIVALENCE OF SANITARY OR PHYTOSANITARY MEASURES¹⁸

39. In accordance with the Decision on Equivalence (G/SPS/19), a Member which has made a determination recognizing the equivalence of sanitary or phytosanitary measures of another Member or Members shall notify other Members through the Secretariat of the measure(s) recognized to be equivalent and of the products affected by this recognition.

40. For the purposes of this notification, equivalence is defined to be the state wherein sanitary or phytosanitary measures applied in an exporting Member, though different from the measures applied in an importing Member, achieve, as demonstrated by the exporting Member and recognized by the importing Member, the importing Member's appropriate level of sanitary or phytosanitary protection. A determination of the recognition of equivalence may be with respect to a specific measure or measures related to a certain product or categories of products, or on a systems-wide basis.

41. Notification should also be made of significant variations to existing equivalence arrangements, including their suspension or rescission.

42. See Annex D for further information on the format for the Notification of Determination of the Recognition of Equivalence of Sanitary or Phytosanitary Measures.

I. COMPLETED NOTIFICATIONS

43. Notifications should be sent, preferably by e-mail, but if not by fax 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

Electronic copies of all of the notification formats can be downloaded from the WTO website at: http://www.wto.org/english/tratop_e/sps_e/sps_e.htm

44. Members are not required to send the legal texts of the proposed regulation that is being notified. However, they are encouraged to provide a Web address, if available, for the relevant documents in the appropriate section of the notification format.

¹⁸ At its meeting of 25-26 June 2002, the Committee adopted a format and recommended procedures for the notification of determination of the recognition of equivalence of sanitary or phytosanitary measures which can be found in G/SPS/7/Rev.2/Add.1. This document has been incorporated into this Revision.

GUIDELINES FOR NATIONAL ENQUIRY POINTS

45. 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.

46. The National Enquiry Point handles on a routine basis:

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

47. National Enquiry Points should also provide, upon request, information on participation in any bilateral or multilateral equivalence agreements and arrangements.

48. While the mode of delivery is at the discretion of the Member concerned, it is recommended that 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.

49. 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 (Annex B, paragraph 1 and 2 of the SPS Agreement)

50. 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.

51. 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 Members and particularly in developing country Members, to adapt their products and methods of production to the requirements of the importing Member.

52. As agreed in the Doha Decision on Implementation-Related Issues and Concerns:

Subject to the conditions specified in paragraph 2 of Annex B to the Agreement on the Application of Sanitary and Phytosanitary Measures, the phrase "reasonable interval" shall be understood to mean normally a period of not less than 6 months. It is understood that timeframes for specific measures have to be considered in the context of the particular circumstances of the measure and actions necessary to implement it. The entry into force of measures which

contribute to the liberalization of trade should not be unnecessarily delayed.

53. Members are encouraged to publish SPS regulations on the Web where possible. Publication on the Web 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.

54. Members are also encouraged to provide regular updates to the SPS Committee on their national regulatory systems for developing and adopting SPS measures and also on their upcoming workplans with respect to SPS measures so that other Members are better prepared to assess and, if necessary, comment on their proposed measures.¹⁹

ACCESS TO INTERNATIONAL ELECTRONIC RESOURCES RELATED TO SPS NOTIFICATIONS AND OTHER SPS INFORMATION

55. There are a number of international resources on the Web which could facilitate Members' access to SPS-related information. These include the WTO Secretariat's SPS Information Management System (SPS IMS) (<http://spsims.wto.org>) as well as the FAO's International Portal on Food Safety, Animal and Plant Health (<http://www.ipfsaph.org>).

56. Members are encouraged to provide up-to-date information regarding SPS-related websites within their territory for inclusion on the WTO's SPS web page.

¹⁹ See submissions from Mexico (G/SPS/W/136 and G/SPS/W/166).

ANNEX A-1: ROUTINE NOTIFICATIONS

COMPLETION OF FORMATS - ROUTINE NOTIFICATIONS (ANNEX B, PARAGRAPH 5)

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 | Tariff item number(s) (normally HS, chapter or heading and number) as contained in national schedules deposited with the WTO. ICS numbers should 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. |
| 4. Regions or countries likely to be affected | The geographical regions or countries likely to be affected by the notified regulation should be identified to the extent relevant or practicable. <u>Members are encouraged to be as specific as possible in identifying regions or countries likely to be affected.</u> |
| 5. Title, language and number of pages of the notified document | Title of the proposed or adopted (in the case of late submissions) sanitary or phytosanitary regulation. Number of pages in the notified document. Languages in which the notified document is available. If a translation exists of the whole document, or a translated summary of the document exists, <u>indicate this here and provide an address where the translation is available.</u> |
| 6. Description of content | A summary of the proposed or adopted (in the case of late submissions) 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. <u>The summary should permit trading partners to determine whether the notified measure is likely to have an impact on products they wish to export to the notifying Member.</u> 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. |

| Item | Description |
|---|---|
| 7. 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. |
| 8. Existence of international standard, guideline or recommendation | <p>If a relevant international standard, guideline or recommendation exists, put a cross in the box provided for the appropriate standard-setting organization and give the appropriate reference of the existing standard, guideline or recommendation, e.g., Codex standard number, ISPM number, OIE Code chapter. Indicate whether the proposed regulation conforms to the relevant international standard and if not, describe how the proposed regulation deviates from the international standard, guideline or recommendation.</p> <p>If no international standard, guideline or recommendation exists, put a cross in the box "none".</p> |
| 9. Relevant documents and language(s) in which these are available | <p>Documents referenced here are different from those listed in box 5. 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><u>Provide the Web address and hyperlink for these documents where available.</u> If it is necessary to charge for documents supplied, the amount of the charge should be indicated.</p> |
| 10. Proposed date of adoption <u>and publication</u> | The date when the sanitary or phytosanitary regulation is expected to be adopted. <u>Also provide the proposed date of publication of the final measure if this differs from the date of adoption.</u> |
| 11. Proposed date of entry into force | The date from which the requirements in the regulation are proposed or decided to enter into force. <u>This should normally be at least six months following the above date of adoption and publication.</u> Where appropriate, Members should accord longer time-frames for compliance on products of interest to developing country Members. <u>Put a cross in the box, if the proposed measure contributes to the liberalization of trade. In this case the implementation of the measure should not be delayed and no comment period needs to be provided.</u> |

| Item | Description |
|--|--|
| <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. <u>Check the box if this is 60 days following the date of circulation of the notification as a WTO document.</u>²⁰ If not, a specific date should be indicated. A Member shall normally allow a period of at least sixty days for comment. Any Member which is able to provide a time limit beyond 60 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> |
| <p>13. Texts available from</p> | <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. Provide the Web address of the document notified, if available.</p> |

²⁰ See proposal from China in G/SPS/W/212. See also submissions from China (G/SPS/W/162), Chile (G/SPS/W/170), and Egypt (Job.(07)/104)

WORLD TRADE ORGANIZATION

G/SPS/N/COUNTRY/
date of distribution

(##-####)

Committee on Sanitary and Phytosanitary Measures

Original:

NOTIFICATION

| | |
|-----|---|
| 1. | <u>Notifying Member:</u> 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 should be provided in addition, where applicable: |
| 4. | Regions or countries likely to be affected, to the extent relevant or practicable: |
| 5. | Title, language and number of pages of the notified document: |
| 6. | Description of content: |
| 7. | 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 |
| 8. | <u>Is there a relevant international standard? If so, identify the standard:</u> <input type="checkbox"/> <u>Codex Alimentarius Commission</u> <u>[(e.g., Codex standard number, title of Code of practice], etc.)</u> <input type="checkbox"/> <u>World Organization for Animal Health (OIE)</u> <u>[(e.g., Terrestrial or Aquatic Animal Code chapter number)]</u> <input type="checkbox"/> <u>International Plant Protection Convention</u> <u>[(e.g., ISPM N°)]</u> <input type="checkbox"/> <u>None</u> <u>Does this proposed regulation conform to the relevant international standard? <input type="checkbox"/> Yes <input type="checkbox"/> No</u> <u>If no, describe the differences:</u> |
| 9. | Relevant documents and language(s) in which these are available: |
| 10. | Proposed date of adoption <u>and of publication (dd/mm/yy):</u> |
| 11. | Proposed date of entry into force (dd/mm/yy): <input type="checkbox"/> <u>Trade facilitating measure</u> |

12. Final date for comments: Sixty days from the date of circulation of the notification
or DATE: dd/mm/yy

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:

13. Texts available from: National notification authority, National enquiry point, or address, fax number and E-mail address (if available) of other body:

ANNEX A-2: ROUTINE NOTIFICATIONS - ADDENDA

**WORLD TRADE
ORGANIZATION**

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

(##-####)

Committee on Sanitary and Phytosanitary Measures

Original:

NOTIFICATION

Addendum

The following communication, dated # Month Year, is being circulated at the request of the Delegation of [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~~.

This addendum concerns a:

- Modification of final date for comments
- Notification of adoption of a regular or final rule
- Modification of content of previously notified draft regulation, including expended or reduced scope
- Withdrawal of proposed regulation
- Change in proposed date of adoption, date of publication or date of entry into force
- Other _____

Comment period: [If the addendum extends the scope of the previously notified measure in terms of products and/or potentially affected Members, a new deadline for receipt of comments should be provided, normally of at least 60 days.]

Sixty days from the date of circulation of the addendum to the notification

or [DATE: dd/mm/yy]

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:

ANNEX A-3: ROUTINE NOTIFICATIONS - REVISIONS

**WORLD TRADE
ORGANIZATION**

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

(##-####)

Committee on Sanitary and Phytosanitary Measures

Original:

NOTIFICATION

Revision

| | |
|-----|---|
| 1. | <u>Notifying Member:</u> 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 should be provided in addition, where applicable: |
| 4. | Regions or countries likely to be affected, to the extent relevant or practicable: |
| 5. | Title, language and number of pages of the notified document: |
| 6. | Description of content: |
| 7. | 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 |
| 8. | <u>Is there a relevant international standard? If so, identify the standard:</u> <input type="checkbox"/> <u>Codex Alimentarius Commission</u> [e.g., Codex standard number, title of Code of practice], etc.) <input type="checkbox"/> <u>World Organization for Animal Health (OIE)</u> [e.g., Terrestrial or Aquatic Animal Code chapter number] <input type="checkbox"/> <u>International Plant Protection Convention</u> [e.g., ISPM N°] <input type="checkbox"/> None <u>Does this proposed regulation conform to the relevant international standard? <input type="checkbox"/> Yes <input type="checkbox"/> No</u> <u>If no, describe the differences:</u> |
| 9. | Relevant documents and language(s) in which these are available: |
| 10. | Proposed date of adoption / <u>publication (dd/mm/yy):</u> |
| 11. | Proposed date of entry into force (dd/mm/yy): <input type="checkbox"/> <u>Trade facilitating measure</u> |

12. **Final date for comments: Final date for comments: Sixty days from the date of circulation of the notification**

or [DATE: dd/mm/yy]

**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:**

13. **Texts available from: [] National notification authority, [] National enquiry point, or address, fax number and E-mail address (if available) of other body:**

ANNEX A-4: ROUTINE NOTIFICATIONS - CORRIGENDUM

**WORLD TRADE
ORGANIZATION**

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

(##-####)

Committee on Sanitary and Phytosanitary Measures

Original:

NOTIFICATION

Corrigendum

The following communication, dated # Month Year, is being circulated at the request of the Delegation of [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].

ANNEX B-1: EMERGENCY NOTIFICATIONS

COMPLETION OF FORMATS - EMERGENCY NOTIFICATIONS (ANNEX B, PARAGRAPH 6)

57. 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 | Tariff item number(s) (normally HS, chapter or heading and number) as contained in national schedules deposited with the WTO. ICS numbers should 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. |
| 4. Regions or countries likely to be affected | The geographical regions or countries likely to be affected by the notified regulation should be identified to the extent relevant or practicable. <u>Members are encouraged to be as specific as possible in identifying regions or countries likely to be affected.</u> |
| 5. 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. If a translation exists of the whole document, or a translated summary of the document exists, , <u>indicate this here and provide an address where the translation is available.</u> |
| 6. 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. <u>The summary should permit trading partners to determine whether the notified measure is likely to have an impact on products they wish to export to the notifying Member.</u> 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 |
|---|---|
| 7. 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. |
| 8. Nature of urgent problem(s) and reason for urgent action | Indication of the underlying reasons for resorting to emergency action, e.g., <u>incursion of pests associated with imports, outbreak of a disease in supplying areas, etc.</u> |
| 9. Existence of international standard, guideline or recommendation | <p><u>If a relevant international standard, guideline or recommendation exists, put a cross in the box provided for the appropriate standard-setting organisation and give the appropriate reference of the existing standard, guideline or recommendation, e.g., Codex standard number, ISPM number, OIE Code chapter. Indicate whether the proposed regulation conforms to the relevant international standard and if not, briefly describe how the proposed regulation deviates from the international standard, guideline or recommendation.</u></p> <p><u>If no international standards, guideline or recommendation exists, put a cross in the box "none".</u></p> |
| 10. Relevant documents and language(s) in which these are available | <p>Documents referenced here are different to those listed in box 5. Documents which should be referenced include:</p> <p>(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;</p> <p>(b) Publication in which regulation will appear;</p> <p><u>Provide the Web address and hyperlink for these documents where available. If it is necessary to charge for documents supplied, the amount of the charge should be indicated.</u></p> |
| 11. Date of entry into force and period of application | <p>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.)</p> <p><u>Put a cross in the box, if the proposed measure contributes to the liberalization of trade. In this case the implementation of the measure should not be delayed and no comment period needs to be provided.</u></p> |

| Item | Description |
|---|--|
| 12. 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. |
| 13. Texts available from | 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. Provide the Web address of the document notified, if available. |

WORLD TRADE ORGANIZATION

G/SPS/N/COUNTRY/
date of distribution

(##-####)

Committee on Sanitary and Phytosanitary Measures

Original:

NOTIFICATION OF EMERGENCY MEASURES

| | |
|-----|---|
| 1. | <u>Notifying Member:</u> 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 should be provided in addition, where applicable: |
| 4. | Regions or countries likely to be affected, to the extent relevant or practicable: |
| 5. | Title, language and number of pages of the notified document: |
| 6. | Description of content: |
| 7. | 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 |
| 8. | Nature of the urgent problem(s) and reason for urgent action: |
| 9. | <u>Is there a relevant international standard? If so, identify the standard:</u> <input type="checkbox"/> <u>Codex Alimentarius Commission</u> <u>[(e.g., Codex standard number, title of Code of practice], etc.)</u> <input type="checkbox"/> <u>World Organization for Animal Health (OIE)</u> <u>[(e.g., Terrestrial or Aquatic Animal Code chapter number)]</u> <input type="checkbox"/> <u>International Plant Protection Convention</u> <u>[(e.g., ISPM N°)]</u> <input type="checkbox"/> <u>None</u> <u>Does this proposed regulation conform to the relevant international standard? <input type="checkbox"/> Yes <input type="checkbox"/> No</u> <u>If no, describe the differences:</u> |
| 10. | Relevant documents and language(s) in which these are available: |
| 11. | Date of entry into force (<u>dd/mm/yy</u>)/period of application (as applicable): <input type="checkbox"/> <u>Trade facilitating measure</u> |

| |
|--|
| 12. 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: |
|--|

| |
|---|
| 13. Texts available from: [] National notification authority, [] National enquiry point, or address, fax number and E-mail address (if available) of other body: |
|---|

ANNEX B-2: EMERGENCY NOTIFICATIONS - ADDENDA

**WORLD TRADE
ORGANIZATION**

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

(##-####)

Committee on Sanitary and Phytosanitary Measures

Original:

NOTIFICATION OF EMERGENCY MEASURES

Addendum

The following communication, dated # Month Year, is being circulated at the request of the Delegation of [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].

This addendum concerns a:

- Modification of final date for comments
- Modification of content of previously notified draft regulation, including expanded or reduced scope
- Withdrawal of proposed regulation
- Change in period of application of measure
- Other _____

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:

ANNEX B-3: EMERGENCY NOTIFICATIONS - REVISIONS

**WORLD TRADE
ORGANIZATION**

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

(##-####)

Committee on Sanitary and Phytosanitary Measures

Original:

NOTIFICATION OF EMERGENCY MEASURES

Revision

| | |
|-----|--|
| 1. | <u>Notifying Member:</u> 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 should be provided in addition, where applicable): |
| 4. | Regions or countries likely to be affected, to the extent relevant or practicable: |
| 5. | Title, language and number of pages of the notified document: |
| 6. | Description of content: |
| 7. | 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 |
| 8. | Nature of the urgent problem(s) and reason for urgent action: |
| 9. | <u>Is there a relevant international standard? If so, identify the standard:</u> <input type="checkbox"/> <u>Codex Alimentarius Commission</u> <u>[e.g., Codex standard number, title of Code of practice], etc.)</u> <input type="checkbox"/> <u>World Organization for Animal Health (OIE)</u> <u>[e.g., Terrestrial or Aquatic Animal Code chapter number]</u> <input type="checkbox"/> <u>International Plant Protection Convention</u> <u>[e.g., ISPM number]</u> <input type="checkbox"/> <u>None</u> <u>Does this proposed regulation conform to the relevant international standard? <input type="checkbox"/> Yes <input type="checkbox"/> No</u> <u>If no, describe the differences:</u> |
| 10. | Relevant documents and language(s) in which these are available: |

| |
|--|
| <p>11. Date of entry into force <u>(dd/mm/yy)</u>/period of application (as applicable): <input type="checkbox"/> <u>Trade facilitating measure</u></p> |
| <p>12. 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:</p> |
| <p>13. 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:</p> |

ANNEX B-4: EMERGENCY NOTIFICATIONS – CORRIGENDUM

**WORLD TRADE
ORGANIZATION**

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

(##-####)

Committee on Sanitary and Phytosanitary Measures

Original:

NOTIFICATION OF EMERGENCY MEASURES

Corrigendum

The following communication, dated # Month Year, is being circulated at the request of the Delegation of [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].

ANNEX C: AVAILABILITY OF UNOFFICIAL TRANSLATIONS

WORLD TRADE ORGANIZATION
ORGANISATION MONDIALE DU COMMERCE
ORGANIZACIÓN MUNDIAL DEL COMERCIO

G/SPS/N/COUNTRY/##/Suppl.#
12 March 2004
(04-0000)

Committee on Sanitary and Phytosanitary Measures

AVAILABILITY OF TRANSLATIONS

Note by the Secretariat

Supplement

The Secretariat has been informed that an unofficial translation into [language] [one of the WTO working languages] of the document referenced in this notification is available for consultation at:

<http://www.>

Comité des mesures sanitaires et phytosanitaires

TRADUCTIONS DISPONIBLES

Note du Secrétariat

Supplément

Le Secrétariat a été informé qu'une traduction non officielle en [langue] [l'une des langues de travail de l'OMC] du document auquel renvoie la présente notification pouvait être consultée à l'adresse suivante:

<http://www.>

Comité de Medidas Sanitarias y Fitosanitarias

ACCESO A TRADUCCIONES

Nota de la Secretaría

Suplemento

Se ha comunicado a la Secretaría que en la dirección:

<http://www.>

se puede consultar una traducción no oficial al [idioma] [uno de los idiomas de trabajo de la OMC] del documento a que se hace referencia en la presente notificación.

ANNEX D – NOTIFICATION OF RECOGNITION OF EQUIVALENCE

Recommended Procedures for the Completion of the Notification Format

In accordance with the Decision on Equivalence (G/SPS/19), a Member which has made a determination recognizing the equivalence of sanitary or phytosanitary measures of another Member or Members shall notify other Members through the Secretariat of the measure(s) recognized to be equivalent and of the products affected by this recognition.

For the purposes of this notification, equivalence is defined to be the state wherein sanitary or phytosanitary measures applied in an exporting Member, though different from the measures applied in an importing Member, achieve, as demonstrated by the exporting Member and recognized by the importing Member, the importing Member's appropriate level of sanitary or phytosanitary protection. A determination of the recognition of equivalence may be with respect to a specific measure or measures related to a certain product or categories of products, or on a systems-wide basis.

Notification should also be made of significant variations to existing equivalence arrangements, including their suspension or rescission.

| Item | Description |
|---|---|
| 1. Member notifying | Government, including the competent authorities of the European Communities, which is making the notification. |
| 2. Title of the text stating determination of the recognition of equivalence | Title of any formal or informal agreement, Memorandum of Understanding or other document establishing the determination of recognition of equivalence. |
| 3. Parties involved | Name of the exporting Member or Members whose measure has been determined to be equivalent. |
| 4. Date of entry into force of the determination of the recognition of equivalence and any associated procedures or regulations | Date from which procedures, regulations or other measures based on the determination of recognition of equivalence took effect. |
| 5. Products covered (HS or CCCN where applicable, otherwise national tariff heading) | Tariff item number(s) (normally HS, chapter or heading and number) as contained in national schedules deposited with the WTO of the product(s) which are imported on the basis of the determination of the recognition of equivalence. |
| 6. Brief description of the measure(s) recognized to be equivalent | Clearly indicate the nature of the recognition of equivalence, including which measure(s) of the exporting Member have been determined to be equivalent and which elements of the importing Member's usual requirements are met by these equivalent measures. |
| 7. Further information available from: | The agency or authority from which an interested Member may request further information regarding the specific determination of equivalence being notified. If this is the National Enquiry Point, check the box provided. If available from another body, give its address, fax number and (if available) E-mail address. Provide the Web address of the document, if available. |

WORLD TRADE ORGANIZATION

G/SPS/EQV/N/#
Date of circulation

(00-0000)

Committee on Sanitary and Phytosanitary Measures

Original:

NOTIFICATION OF DETERMINATION OF THE RECOGNITION OF EQUIVALENCE OF SANITARY OR PHYTOSANITARY MEASURES

The following notification of determination of the recognition of equivalence has been received.

| |
|--|
| 1. Member notifying: |
| 2. Title of the text stating the determination of the recognition of equivalence: |
| 3. Parties involved: |
| 4. Date of entry into force of the determination of the recognition of equivalence and any associated procedures or regulations (dd/mm/yy): |
| 5. Products covered (HS or CCCN where applicable, otherwise national tariff heading): |
| 6. Description of measures recognized to be equivalent: |
| 7. Further information available from: <input type="checkbox"/> National Enquiry Point <input type="checkbox"/> Other (specify) |