

Committee on Sanitary and Phytosanitary Measures

NOTIFICATION OF URGENT ACTIONS

DRAFT RECOMMENDED PROCEDURES

Note by the Secretariat

1. At its 26-27 June 1995 meeting, the Committee adopted Recommended Notification Procedures for the notification of SPS regulations in accordance with paragraph 5 of Annex B of the SPS Agreement (G/SPS/2/Rev.1). Furthermore, the Committee agreed on a separate format to be used for the notification of emergency actions as foreseen in paragraph 6 of Annex B (G/SPS/4). What remains to be clarified is the nature of "urgent circumstances" (paragraph 2, Annex B) or "urgent problems of health protection" (paragraph 6, Annex B), in other words, the circumstances under which a Member would **not** be expected to comply with the normal notification procedures of Paragraph 5 of Annex B.
2. The basic right of governments to take sanitary or phytosanitary measures necessary to protect health is recognized in the Agreement (the first paragraph of both the preamble and Article 2). Paragraph 7 of Article 5 explicitly permits actions to be taken in the absence of conclusive scientific evidence. Thus, when a government considers that sufficient scientific evidence does not exist to permit a final decision on the safety of a product or a process the Agreement does not forbid the introduction of immediate measures in order to protect human, animal or plant health. However, in these circumstances, Members must seek to obtain the additional information necessary for a more objective assessment of risk and review the emergency measure.
3. Attached are recommended procedures regarding the use of the format for emergency notifications, including a suggested clarification of what constitutes an urgent action in terms of paragraph 6 of Annex B.

Recommended Notification Procedures for Emergency Notifications

Members should follow these guidelines when notifying urgent actions as recognized in paragraph 6 of Annex B. Such actions may be taken when a new and unexpected sanitary or phytosanitary situation arises and preliminary assessments show that there may be a potential threat to human health or animal or plant health within the territory of the country concerned, and

- an appropriate international standard or recommendation/guideline does not exist, or has been considered by the relevant government authority, but would not provide the immediate necessary protection; and
- relevant alternative approaches applied by trading partners have been considered but would not provide the immediate necessary protection; and
- the emergency measure chosen is the least trade restrictive option reasonably available which will provide the necessary protection; and
- the emergency measure is only applied to the extent necessary to protect human, animal or plant life or health.

In other words, urgent actions should be taken only in cases where other feasible actions to protect human, animal or plant health from new or unexpected sanitary or phytosanitary risks have been considered, and the only reasonable option is to impose an emergency measure. New or revised measures which do not meet these criteria should normally not be considered to be emergency measures and should be notified in accordance with paragraph 5 of Annex B.

The following procedures are recommended for the notification of such urgent actions.

Format and Guidelines:

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.

<u>Item</u>	<u>Description</u>
1. Member notifying	Government, including the competent authorities of the European Community, 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 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.
4. Title 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.
 5. Description of content
An abstract of the proposed or adopted sanitary or phytosanitary regulation clearly indicating its content. A clear description is important for an understanding of the notification by delegations and translators. Abbreviations should be avoided.
 6. Objective and rationale
For instance: food safety, animal health, plant protection, etc.
 7. Nature of urgent problem(s)
Indication of the underlying reasons for resorting to emergency action.
 8. Existence of international standard
If a relevant international standard does not exist, put a cross in the box provided; otherwise, briefly describe how the proposed regulation deviates from such international standard.
 9. Relevant documents
(a) Measure taken and basic document which was modified (with specific reference number or other identification);

(b) Publication in which regulation will appear; and language(s) in which basic document is available;

(c) Whenever practicable, give reference to relevant international standard. If it is necessary to charge for documents supplied, the amount of the charge should be indicated.
 10. Date of entry into force/
period of application (as applicable)
The date from which the requirements in the emergency regulation 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. Texts available from
If available from national enquiry point, put a cross in the box provided. If available from another body, give its address, telex and telefax number. Such indications should 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 TRADE ORGANIZATION

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G/SPS/N/

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Committee on Sanitary and Phytosanitary Measures

NOTIFICATION OF EMERGENCY MEASURES

1.	Member to Agreement notifying: If applicable, name of local government involved:
2.	Agency responsible:
3.	Products covered (tariff item number(s) as specified in national schedules deposited with the WTO. ICS numbers may be provided in addition, where applicable):
4.	Title and number of pages of the notified document:
5.	Description of content:
6.	Objective and rationale:
7.	Nature of the urgent problem(s):
8.	An international standard, guideline or recommendation does not exist []. If an international standard, guideline or recommendation exists, whenever possible, identify deviations:
9.	Relevant documents; and language(s) in which available:
10.	Date of entry into force/period of application (as applicable):
11.	Texts available from/comments to: National enquiry point [] or address and telefax number of other body: