

Committee on Sanitary and Phytosanitary Measures

PROPOSED MODIFICATIONS TO
RECOMMENDED NOTIFICATION PROCEDURES

Note by the Secretariat

At the special joint meeting with the Committee on Technical Barriers to Trade on 6 -7 November 1995, participants suggested a number of modifications to the recommended notification procedures and format with regard to paragraph 5 of Annex B of the Agreement. These suggestions are included in the report by the Chairman on that meeting (G/SPS/W/33), particularly in paragraphs 3, 4 and 9.

At the meeting of the Committee on 15-16 November 1995, it was further suggested that all of the recommended procedures, including those for notification of urgent actions under paragraph 6 of Annex B (G/SPS/W/30/Rev.1), should be contained in a single document. This has been done in the draft below. To facilitate comprehension of the consolidated procedures, the presentation of the recommendations has been re-ordered.

Should the Committee agree to the notification procedures as proposed below, or with modifications, these would replace the previously agreed recommended notification procedures contained in document G/SPS/2/Rev.1, as well as the agreed format for emergency notifications (G/SPS/4) and the proposed procedures for the notification of urgent actions (G/SPS/W/30/Rev.1).

RECOMMENDED NOTIFICATION PROCEDURES

Members should follow these guidelines when notifying regulations as required in paragraphs 5 or 6 of Annex B. The format for regular notifications (Item F below) should be used for notifications in accordance with paragraph 5 of Annex B, whereas the format for emergency notifications (Item G below) 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

Recommendation:

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 (countries).

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

Recommendation:

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.

C. Translation of documents relating to notifications and address of body supplying the documents

Recommendation:

When a Member seeks a copy of a document relating to a notification which does not exist in that Member's WTO working language, it will be advised, on request, by the notifying 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 then contact such other Members in order to

determine whether the latter are prepared to share, on mutually agreed terms, any translation that they have or will be making into relevant WTO working language(s).

- (a) When a translation of a relevant document exists or is planned, this fact shall 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 shall be similarly indicated.
- (b) Upon receipt of a request for documents, any translated summaries that exist in the language of the requester or, as the case may be, in a WTO working language, shall be automatically sent with the original of the documents requested.
- (c) Members shall indicate under point 11 of the WTO notification form (*point 10 for Emergency Notifications*) the exact address of the body responsible for supplying the relevant documents if that body is not the enquiry point.

D. Processing of requests for documentation or information

Recommendation:

- (a) Requests for documentation should contain all the elements permitting the identification of the documents and in particular, the WTO notification number to which the requests refer. The same information should appear on the documents supplied in response to such requests.
- (b) Any request for documentation or information should be acknowledged if it cannot be responded to and processed within five working days. If a delay in supplying the documentation or information requested is foreseen, this should be acknowledged to the requester.
- (c) FAX facilities should be used to the extent possible in responding to requests for documentation or information.

E. Handling of comments on notifications

Recommendation:

- (a) Each Member should notify the WTO Secretariat of the authority or agency (e.g. its enquiry point) which it has designated to be in charge for handling of comments received.
- (b) A Member receiving comments through the designated body should without further request
 - (i) acknowledge the receipt of such comments;
 - (ii) explain within a reasonable time to any Member from which it has received comments, how it will proceed in order to take these comments into account and, where appropriate, provide additional relevant information on the proposed sanitary or phytosanitary regulations concerned; and

- (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.
- (c) Favourable consideration should be given to requests for extension of the comment period, notably where there have been delays in receiving and translating the relevant documents.

F. Completion of formats - Regular 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.

<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. 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.

8. Relevant documents and language(s) in which these are available
- (a) Publication where notice appears, including date and reference numbers;
- (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;
- (c) Publication in which proposal will appear when adopted;
- (d) 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.
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.
11. Final date for comments and agency or authority handling comments
- 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.
- The agency or authority which has been designated to handle the comments should be indicated.
12. Texts available from
- If available from national enquiry point, put a cross in the box provided. If available from another body, give its address, telefax number and (if available) E-mail address. 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.

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Committee on Sanitary and Phytosanitary Measures

NOTIFICATION

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.	An international standard, guideline or recommendation does not exist []. If an international standard, guideline or recommendation exists, whenever possible, 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:
12.	Texts available from: National enquiry point [] or address, telefax number and E-mail address (if available) of other body:

G. Completion of formats - Emergency notifications (Annex B, Paragraph 6)

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 and language(s) in which these are available
- (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) 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 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. Texts available from and comments to
- If available from national enquiry point, put a cross in the box provided. If available from another body, give its address, telefax number and (if available) E-mail address. 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.
- The agency or authority which has been designated to handle the comments should be indicated.

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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 these are available:
10.	Date of entry into force/period of application (as applicable):
11.	Texts available from/comments to: National enquiry point [] or address, telefax number and E-mail address (if available) of other body: