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Working Party on the Accession of Algeria

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ACCESSION OF ALGERIA

SPS AND TBT ISSUES

The following communication on SPS and TBT issues has been received from the Mission of Algeria.

SUMMARY OF TBT REQUIREMENTS AND PREREQUISITES FOR COMPLIANCE

(Table I)

Commitments (by the time of accession)	WTO Reference
1. Standstill: the introduction of new standards, technical regulations and conformity assessment procedures should be fully compatible with the TBT Agreement	1. Generally agreed principle in WTO accession negotiations
This matter of principle will be dealt with in the draft law amending the current law on standardization, which will serve as a framework law for the development and adoption of technical regulations, standards and conformity assessment procedures (see item 5). It will also incorporate all obligations stemming from the TBT Agreement.	
2. Submission of Statement on Implementation	2. Article 15.2 and TBT Committee Decision (G/TBT/1)
While this notification obligation is not covered by any of the provisions of the texts currently in force, the programme of legal transformations required to address this issue will be implemented along the lines described under item 4.	
3. Establishment and operation of a single contact point for information ("enquiry point")	3. Article 10
<p>This obligation will be dealt with in the draft law on standardization. The TBT enquiry points indicated in Annex 5 of the Memorandum on Algeria's Foreign Trade Regime, i.e.</p> <p><u>Standards:</u></p> <p>INSTITUT ALGERIEN DE NORMALISATION 05-07, Rue Abou Hamou Moussa, 16000 Algiers, Algeria Tel: 213.21.64.20.75 Fax: 213.21.64.17.61</p> <p>http://www.ianor.org E.mail: ianor@wissal.dz,</p> <p><u>Technical barriers to trade:</u></p> <p>CENTRE ALGERIEN DE LA QUALITE ET DE L'EMBALLAGE RN N°5 Bab Ezzouar DAR EL BEIDA - Algiers Tel: 213 21 24 30 35 Fax: 213 21 24 30 11</p> <p>E.mail: cacqe@mail.wissal.dz,</p> <p>will be merged to form one enquiry point located at the Ministry of Trade. The designation, organization and actual setting up of this single enquiry point will take place in July and August 2002. The setting up of the database will begin in July and will end in December 2002. It will be fully updated during the following months, which should enable the enquiry point to be operational towards the end of the first quarter of 2003.</p>	
4. Identification of authority responsible for notifications, publications and other internal procedures to ensure transparency obligations are met on an ongoing basis:	4. Articles 2, 3, 5, 7, 10, 15.2, Annex 3 and G/TBT/1

Commitments (by the time of accession)	WTO Reference
(a) Identification of publication where notices of proposed technical regulations and conformity assessment procedures will appear;	(a) Articles 2.9.1, 3.1, 5.6.1, 7.1, 10.1.5
(b) identification of authority responsible for making notifications to the WTO;	(b) Article 2.9.2, 2.10.1, 3.2, 3.3, 5.6.2, 5.7.1, 7.2, 7.3, 10.7, 10.10
(c) guidance/law to ensure regulatory authorities afford non-discriminatory consideration of comments in the preparation of a final regulation;	(c) Articles 2.9.4, 2.10.3, 3.15 3.3, 5.6.4, 5.7.3, 7.1, 7.3
(d) guidance/law to ensure regulatory authorities allow a reasonable period of time between the final publication of a technical regulation and conformity assessment procedure and its entry into force so that suppliers can adapt;	(d) Articles 2.11, 2.12, 3.1, 5.8, 5.9, 7.1
(e) publication and notification of work programme for standards and non-governmental conformity assessment procedures, including publication of notices of draft standards and an opportunity for public comment.	(e) Article 4, Annex 3 (J, K, L, N, O); Article 8.1
The official designation will be made through the legislative and regulatory adaptations described in item 5 below. The organization and setting up of this notification authority will take place in July and August of 2002 (for regulation and other procedures pertaining to the notification process, see item 5 below). The setting up of the database and the organization of the redistribution of information from the notifications will take place according to the process applied to the database in item 3.	
5. Development and Application of Technical Regulations and Conformity Assessment Procedures: Existence of legal and/or administrative underpinnings (or reasonable measures" as appropriate) to ensure ongoing compliance with provisions of the agreement concerning, in particular:	5. Articles 2, 3, 5, 6, 7
(a) non-discrimination with respect to the treatment of products;	(a) Articles 2.1, 3.1, 5.1, 5.2, 7.1
(b) the prohibition of unnecessary obstacles to international trade and the consideration of less trade-restrictive alternatives to fulfilling legitimate objectives;	(b) Articles 2.2, 3.1, 5.1, 5.2, 7.1
(c) the ongoing review of technical regulations to ensure they are appropriate to achieve the desired legitimate objective;	(c) Article 2.3, 3.1, 7.1

Commitments (by the time of accession)	WTO Reference
(d) the consideration of appropriate international standards, guides and recommendations as a basis for technical regulations and conformity assessment procedures;	(d) Article 2.4, 3.1, 5.4, 7.1
(e) the consideration of equivalent technical regulations of other Members;	(e) Article 2.7, 3.1, 7.1
(f) the acceptance of the results of conformity assessment procedures conducted by bodies in an exporting Member country;	(f) Article 6, 7.1
(g) non-discriminatory and cost-based fee structure.	(g) Article 5.2, 7.1, 10.4
Working groups have been set up in the Ministries of Trade, of Agriculture, of Industry (Standardization) and of Health to review the legislation and regulations in force in order to identify all of the provisions that would be inconsistent with their international counterparts. This process of alignment of the legislative and regulatory framework should be completed towards the end of September 2002. The legislative process should produce, by the end of the first half of 2003, the main elements of a new legislation. The working groups operate on the basis of the principles set forth in item 5 (a) to (g) above. The framework law will include this obligation.	
6. Development and Application of Standards and Conformity Assessment Procedures: Existence of legal and/or administrative underpinnings (or "reasonable measures" as appropriate) to ensure ongoing compliance with provisions of the agreement concerning, in particular:	6. Article 4 and Annex 3, Article 8
(a) non-discrimination with respect to the treatment of products;	(a) Annex 3 (D), Article 8.1
(b) the prohibition of unnecessary obstacles to international trade;	(b) Annex 3 (E), Article 8.1
(c) the consideration of appropriate international standards, guides and recommendations as a basis for standards;	(c) Annex 3 (F), Article 8.1
(d) non-discriminatory and cost-based fee structure.	(d) Annex 3 (M), Annex 3 (P), Articles 8.1, 10.4
See item 5 above.	

**SUMMARY OF SPS REQUIREMENTS AND
PREREQUISITES FOR COMPLIANCE**

(Table II)

Commitments (by the time of accession)	WTO Reference
1. Standstill: the introduction of new standards, animal health regulations and food safety regulations shall conform to SPS Agreement principles	1. Generally agreed principle in WTO accession negotiations
Algeria accepts that the procedure for the development and adoption of new standards and/or new regulations concerning the protection of animals and food safety must comply with the provisions of the SPS Agreement. This principle will be incorporated in a legislative enactment.	
2. Establishment and operation of a single Contact Point for Information ("enquiry point")	2. Article 7 and Annex B.3
<p>The enquiry points for sanitary and phytosanitary measures indicated in Annex 5 of the Memorandum on Algeria's Foreign Trade Regime, i.e.</p> <p><u>Veterinary:</u></p> <p>MINISTERE DE L'AGRICULTURE DIRECTION DES SERVICES VETERINAIRES Boulevard Colonel Amirouche, Algiers Tel: 213 21 74 63 33</p> <p><u>Phytosanitary:</u></p> <p>MINISTERE DE L'AGRICULTURE DIRECTION DES SERVICES PHYTOSANITAIRES Boulevard Colonel Amirouche, Algiers Tel: 213 21 42 93 49</p> <p><u>have been merged to form one enquiry point located at the Ministry of Agriculture:</u></p> <p>Sous Direction du Contrôle Sanitaire (Direction des Services Vétérinaires - Ministère de l'Agriculture) 12 Bd Colonel Amirouche – Algiers – ALGERIA Tel : 213/ 21.71.17.12 Fax: 213/ 21.74.34.34; et 213/ 21.74.63.33 E-mail: dsval@wissal.dz</p>	
Algeria is a member of the Codex Alimentarius Commission and the OIE, and has joined the IPPC. Consequently, it is under obligation to inform and communicate with member States. The enquiry point obligation set forth in the SPS Agreement will be enshrined in various specific provisions (regulations, procedures, etc.) The actual organization and setting up of this single enquiry point will take place in July and August 2002, like the TBT enquiry point. The database will be implemented according to the process described in item 3 of Table I for TBTs.	
3. Transparency: notification and access to documentation:	3. Articles 7 and Annex B, also G/SPS/7

(a) identification of authority responsible for making notifications to the WTO and ensuring transparency obligations are met on an ongoing basis;	(a) Annex B.5(b) and Annex B.10
(b) establish guidance or law requiring publication of proposed measures at an early stage for comments;	(b) Annex B.5(a)
(c) provision in law or administrative procedure to provide copies of proposed measures to WTO Members; and	(c) Annex B.5(a)
(d) require in law or administrative procedure, a reasonable period of time for comment from Members and the public, and establishment of a process to take comments into account without discrimination	(d) Annex B.5(d)
The obligations and relevant responsibilities will be assumed and implemented as described in item 4 of Table I for the TBTs	
4. Necessity: measures are applied only to the extent necessary to protect human, animal or plant health.	4. Article 2:2
The actual fulfilment of this obligation initially requires a complete revision of the legislative and regulatory texts in the light of international rules and WTO requirements (see item 5 of Table I). As in the case of the TBTs, a database will be set up as described in item 5 of Table I	
5. Regulations Based on Science: regulations governing animal and plant health and food safety shall be based on scientific evidence.	5. Articles 2.2, 3.3 and 5.2
See item 4 above	
6. Harmonization: to the extent possible, members shall follow international standards, guidelines, and recommendations in establishing SPS measures	6. Articles 3.1, 3.3 and 3.4
Circular No. 006 of 20 May 2000 from the Head of Government on consistency between standards and technical regulations requires the authorities responsible for the development of technical regulations to base their work on the standards in force.	
7. Equivalence: members shall recognize different measures that achieve the same level of protection	7. Article 4
See item 4 above	
8. Risk Assessment: developing scientific evidence and conducting risk assessments to ensure that measures are based on science and applied only to the extent necessary to protect health.	8. Article 55.1, 5.2 and 5.3
See item 4 above	

9. Regional conditions: measures take into account the regional characteristics both of the areas from which products originate and the areas for which they are destined.	9. Article 6 and Annexes A.6 and A.7
See item 4 above	
10. Non-discrimination: measures do not arbitrarily or unjustifiably discriminate between different members or between domestic and foreign suppliers	10. Article 2.3, and Annex C.1(a) and (d)
See item 4 above	
11. Control, inspection and approval procedures: ensure that procedures, including systems for approval of the use of additives or for establishing tolerances for contaminants in foods, beverages or feedstuffs comply with the Agreement.	11. Article 8 and Annex C
See item 4 above	
