

# WORLD TRADE ORGANIZATION

RESTRICTED

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**Working Party on the  
Accession of Samoa**

Original: English

## ACCESSION OF SAMOA

### Additional Questions and Replies

#### Addendum

The following submission, dated 29 January 2011, is being circulated at the request of the Delegation of Samoa.

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## II. ECONOMIC POLICIES

### - Investment Regime

#### Question 1

**We would welcome receiving the draft Foreign Investment Amendment Bill (including clear lists of the activities which are reserved, restricted or prohibited). Could Samoa give an indication about when they intend to circulate a copy of this draft Bill?**

Answer:

A copy of the draft Foreign Investment Bill was submitted to the Working Party (WT/ACC/SAM/17/Add.4).

## IV. POLICIES AFFECTING TRADE IN GOODS

### C. INTERNAL POLICIES AFFECTING FOREIGN TRADE IN GOODS

#### - Sanitary and phytosanitary measures

#### Question 2

**Could Samoa inform, whether more information on import requirements for specific plants and plant products as well as a list of quarantine pests will be made available on this web page? Furthermore, if a reference will be added on the IPPC webpage: [www.ippc.int](http://www.ippc.int)?**

Answer:

Information on import requirements for specific plants and plant products will be made available on the quarantine website. A list of quarantine pests is available on the regional SPC website on the link: <http://pld.spc.int/pld/>.

#### Question 3

**In case import permits specify any phytosanitary conditions that the products have to meet, could Samoa inform, where the importers, beforehand, can find information on which conditions have to be met for certain products?**

Answer:

Importers can obtain information on any phytosanitary conditions from the Samoa Quarantine Service website: [www.samoaquarantine.gov.ws](http://www.samoaquarantine.gov.ws). If needed, further information can be obtained by contacting directly the SPS focal point listed on the website.

#### Question 4

**Could Samoa inform for which plants and plant products an import permit is required? Furthermore, if the International Standard for Phytosanitary Measures (ISPM), ISPM 20, point 4.2 will be taken into consideration in the future?**

Answer:

All plant and plant products require import permits. Samoa has been using the ISPM to formulate national standards; all prohibitions and restrictions are technically justified.

**Question 5**

**Could Samoa inform for which plants and plant products a phytosanitary certificate is required. Furthermore, if the International Standard on Phytosanitary Measures, ISPM 32, will be taken into consideration in the future?**

Answer:

Through the IRA process, a phytosanitary certificate is required for new plants and plant products depending on their pest risk, intended use and potential as a pathway of introducing quarantine pests. ISPM is taken into consideration at present.

**Question 6**

**Could Samoa inform if the Samoan import requirements for animals and animal products take into consideration the OIE Guidelines on BSE?**

Answer:

Yes.

**Question 7**

**Comment on the revised Table 11: Action Plan for the Implementation of the SPS Agreement (WT/ACC/SAM/17, page 44):**

Further development of quarantine website, <a href="http://www.samoaquarantine.gov.ws">www.samoaquarantine.gov.ws</a> to improve notification and access to documentation.	Improve input of data and the operation of the website. Technical assistance to assist in further operational improvement of website should be maintained into an on-going status.
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**It is difficult to find the links related to notification and access to documentation on the website: [www.samoaquarantine.gov.ws](http://www.samoaquarantine.gov.ws).**

Answer:

Samoa took note and will look into that matter.

**Question 8**

**Comment on the revised Table 11: Action Plan for the Implementation of the SPS Agreement (WT/ACC/SAM/17, page 44):**

Signatory to International Organizations, to keep update on SPS issues and follow the required mandates.	Samoa is a signature to IPPC, Codex and it's interest to OIE is represented by the regional organization of Secretariat to Pacific Communities (SPC).
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**Samoa is on the right track.**

Answer:

Samoa took note.

**Question 9**

**Comment on the revised Table 11: Action Plan for the Implementation of the SPS Agreement (WT/ACC/SAM/17, page 44):**

<p>Establishment of enquiry point within MAF Head of Quarantine Ministry of Agriculture and Fisheries Quarantine Division</p>	<p>Established and currently functional. This is the contact point for all SPS and administrative procedures.</p>
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**If it is currently functional, does it mean that Samoa is currently dealing with notifications? How does it work in practice? How does Samoa handle notifications from third countries?**

Answer:

Samoa has yet to notify under the WTO. As the contact point for Samoa's WTO accession, all notifications from WTO Members are currently received through the Ministry of Foreign Affairs and Trade and passed on to Samoa Quarantine. This will change shortly, as we conclude the accession process.

**Question 10**

**Comment on the revised Table 11: Action Plan for the Implementation of the SPS Agreement (WT/ACC/SAM/17, page 44):**

<p>Training of enquiry officer with MAF:</p>	<p>On-going as opportunities arise. Already completed:</p> <ul style="list-style-type: none"> <li>- Completed 4<sup>th</sup> Specialised Course on SPS - 2008/2009.</li> <li>- Attended the Advance Programme on WTO/DOHA/PIFS Development Agenda on Negotiation Issues for Pacific Economies - 2009.</li> <li>- Coordinate and attended the National Workshop for Public Servants on SPS/TBT Agreement in Samoa - 2010.</li> <li>- Attended the Workshop on Transparency Provision of the SPS Agreement - 2010.</li> </ul>
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**The information in Table 11 on the training is quite in contradiction with the text provided in the response to Question 82 drafted in November 2010 (WT/ACC/SAM/17): "awaiting acceptance to attend the Workshop on the Transparency Provisions of the SPS Agreement at end of 2010". Did Samoa attend this WTO Workshop in Geneva?**

Answer:

Yes, Samoa was represented at this Workshop in Geneva by Samoa's SPS focal point.

### Question 11

**Comment on the revised Table 11: Action Plan for the Implementation of the SPS Agreement (WT/ACC/SAM/17, page 44):**

<b>Implement a National Awareness Workshop on the SPS Agreement to cover all stakeholders and other interest parties.</b>	<b>September or October 2011.</b>
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**Please keep Working Party Members posted.**

Answer:

Samoa took note.

### Question 12

**Comment on the revised Table 11: Action Plan for the Implementation of the SPS Agreement (WT/ACC/SAM/17, page 44):**

As the date of full implementation is scheduled by 1 January 2012 (in one year from now), we will be pleased to see how these Regulations will be implemented on grounds, once the draft amendments are available by March 2011. We take note of the progressive implementation of the provisions of the WTO Agreement on the Application of Sanitary and Phytosanitary Measures within the timetable provided for in Table 11. This exercise of accession to WTO regarding SPS matters shall continue and, will be more effective and concrete once all draft regulations will be finalized at the Ministerial level. We noted the difficulties mentioned by Samoa in terms of delay (due to the unavailability of funds).

Answer:

Samoa took note.

### Question 13

**Comment on the revised Table 11: Action Plan for the Implementation of the SPS Agreement (WT/ACC/SAM/17, page 44):**

We notice that Samoa has already received Technical Assistance from two Members and the FAO to be fully in line with the obligations of the SPS Agreement. We would like to encourage this assistance in view of enabling Samoa to meet its accession obligations.

Answer:

Samoa took note.



**V. TRADE-RELATED INTELLECTUAL PROPERTY REGIME**

- **Responsible agencies for policy formulation and implementation**

**Question 14**

**Paragraph 179:** "He added that Samoa also intended to join the Paris Convention for the Protection of Industrial Property."

**Article 2 of the TRIPS Agreement provides that Members must comply with the Paris Convention. We would welcome receiving information about how and by when Samoa will modify its laws in order to comply with the Paris Convention, and would like to know what steps have already been taken.**

Answer:

The IP review project currently underway will take into consideration Article 2 of the TRIPS Agreement and, how Samoa will comply with the Paris Convention.

- **SUBSTANTIVE STANDARDS OF PROTECTION, INCLUDING PROCEDURES FOR THE ACQUISITION AND MAINTENANCE OF INTELLECTUAL PROPERTY RIGHTS**
- **Geographical indications, including appellations of origin**

**Question 15**

**Paragraph 195:** We consider that it should be made clear that the views expressed in this paragraph are those expressed by one Member. In particular, those views refer to Article 16 TRIPS but omit any reference to Article 17 TRIPS, while Members retain the possibility to rely on the exceptions set out in the latter. We would appreciate a reference in the Draft Working Party Report to the position of other Members, according to which the TRIPS Agreement allows Members to provide that, under certain conditions, geographical indications may be protected even if a prior trademark has been filed or registered - as the legislation of some WTO Members currently provides. We do not support the suggestion put forward by one Member to include two Articles (referred to as Article 6(e) and (f)). We support the views expressed by Samoa on Article 6(f).

Answer:

Samoa took note and asks the Secretariat to revise the paragraph accordingly.

**Question 16**

**With regard to Samoa's response to Question 108 of document WT/ACC/SAM/17:**

**Question 108**

**On GIs:** overall reserve - notably as regards how the GIs bill will deal with coexistence between GIs and trademarks.

**Answer:**

**The GI Bill will be reviewed taking into consideration the comments from Members.**

**Please refer to the comment made under Question 15.**

**Answer:**

Samoa took note.

- **Industrial designs**

**Question 17**

**Paragraph 197: "For nationals from countries granting reciprocal treatment to Samoan nationals, the Minister could suspend the registration requirements."**

**This is not clear enough. Could Samoa clarify whether this means that these designs will be automatically and without examination protected in Samoa?**

**Answer:**

This particular sentence in paragraph 197 is not true and should therefore be deleted.

By virtue of Article 8(2) of the Industrial Designs Act 1972, the Minister may suspend applications by nationals of any country, which does not grant adequate reciprocity to Samoa.

- **ENFORCEMENT**

**Question 18**

**Paragraph 205: "The representative of Samoa said that the current legislation needed to be amended to strengthen the current ~~include~~ provisions on civil procedures and remedies; provisional measures; administrative procedures and remedies; special border measures; and criminal penalties, consistent with the TRIPS Agreement."**

**We take note of Samoa's statement.**

**Answer:**

The current legislation will be reviewed under the IP review project.

**Question 19**

**209bis. Some Members were concerned that several TRIPS requirements, including the most-favoured nation and national treatment provisions of the TRIPS Agreement, had not been included in Samoa's legislation. [...]**

**The representative of Samoa acknowledged that Samoa's current intellectual property regime did not conform fully to WTO requirements. Further work would be needed to bring its legislation into conformity with WTO rules and obligations. He accordingly requested that Samoa be granted a transitional period to 1 January 2013 permitting Samoa to complete this process after its accession to the WTO.**

**We take note of Samoa's request for a transitional period.**

Answer:

Noted.

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