

WORLD TRADE ORGANIZATION

RESTRICTED

WT/ACC/TON/9/Rev.1

28 October 2005

(05-5010)

Working Party on the
Accession of Tonga

Original: English

ACCESSION OF TONGA

Submission from the Kingdom of Tonga

Revision

Notification: Implementation and Administration of the Agreement on the Application of Sanitary and Phytosanitary (SPS) Measures

The following submission, dated 26 September 2005, is being circulated at the request of the Delegation of the Kingdom of Tonga.

The following submission provides information on the way that Tonga will implement the transparency provisions of the SPS Agreement, which relate to: notifications to inform other Members about new or changed regulations that affect their trading partners; answering reasonable questions; and publishing relevant regulations.

1. Under the SPS Agreement, countries are required to designate a Notification Authority and an Enquiry Point. In order to minimize the impact on financial and physical resources and to build up trade policy expertise in this area in a dedicated unit, Tonga has decided that the same body will operate both its Notification Authority and its Enquiry Point.

Name of institution:

Ministry of Agriculture and Food
National SPS Notification Authority and Enquiry Point
Address: P.O. Box 14, Nuku'alofa, Kingdom of Tonga
Phone: +(676) 23038 / 23402
Fax: +(676) 23093 / 24271 / 24922
Email: hfaanunu@maf.gov.to, maf-qcmd@kalianet.to

The Ministry of Agriculture and Food will be responsible for making notifications to the WTO and ensuring transparency obligations are met on an ongoing basis. As stated on previous occasions, the Notification Authority and Enquiry Point is already operational. The Director, Ministry of Agriculture and Food is the officer responsible. It is staffed by one official and five working committee members. The five committee members are technical advisors and administrative supporting staff from the relevant MAF divisions: Quarantine & Quality Management Division; Food Division; Livestock Division; Research & Extension Division; and Corporate Services Division (Policy).

2. The Notification Authority is responsible for: ensuring proposed regulations are published with sufficient time to allow for comments; notifying other countries through the WTO Secretariat of SPS regulations using the appropriate notification forms for routine and emergency notifications; providing copies of proposed regulations on request; and ensuring that comments are handled correctly.

The responsibilities of the SPS enquiry point are: answering all reasonable questions from interested Members and providing relevant documents regarding: any sanitary or phytosanitary regulations adopted or proposed within Tonga; any control and inspection procedures, production and quarantine treatment, pesticide tolerance and food additive approval procedures, which are operated within the country; risk assessment procedures, factors taken into consideration, as well as the determination of the appropriate level of sanitary or phytosanitary protection; the membership and participation of Tonga, or of relevant bodies within its territory, in international and regional sanitary and phytosanitary organizations and systems; the membership and participation of Tonga in bilateral and multilateral agreements and arrangements within the scope of the SPS Agreement; and the texts of any such agreements and arrangements.

The resources at the disposal of the Notification Authority / Enquiry Point are adequate for these purposes: it uses existing office infrastructure and services and has word-processing capability (typewriter or computer), a photocopier, and access to postal facilities, telephones, fax, electronic mail and Internet.

When applying the transparency provisions of the SPS Agreement, the staff of the Notification Authority / Enquiry Point will be guided by the WTO Secretariat Handbook: how to apply the transparency provisions of the SPS Agreement of September 2002. All notifications will be made in English. Tonga will only charge the same cost for the documents as it would for its own nationals plus the cost of delivering the documents.

3. Tonga is a member of the Food Agriculture Organization (FAO) and Codex Alimentarius Commission but not yet a Contracting party to the International Office of Epizootics (OIE) and the International Plant Protection Convention (IPPC). Tonga is also a member of the Asia Pacific Plant Protection Commission (APPPC) and Pacific Plant Protection Organization (PPPO). Tonga conforms to the standards set by FAO and other Standard Setting Bodies where possible.
4. Given Tonga's free pest and disease status for both animals and plants and because Tonga has very limited resources to combat an inclusion of a serious animal or plant disease a negligible level of risk would be appropriate.
5. Tonga confirms that it has the technical infrastructure in place required to implement the SPS Agreement. Prior to Tonga's accession to the WTO, responsible government officials will receive additional training to ensure that, as from the date of accession, they are fully conversant with the requirements of the SPS Agreement, including: the definition of SPS measures and the distinction between SPS measures and TBT measures, the procedures for prior notification to the WTO Central Registry of Notifications of new sanitary and phytosanitary regulations or modifications to existing regulations, the steps to be taken when other countries make comments on a notified SPS measure.
6. Tonga agrees to all articles in the Agreement on the Application of Sanitary and Phytosanitary Measures and the Annexes appended, and will apply the Agreement from the date of its accession without any transitional period. Within this timeframe Tonga would seek

technical assistance where necessary, to ensure it had the capacity to implement the SPS Agreement correctly.
