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**Working Party on the  
Accession of Yemen**

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## ACCESSION OF YEMEN

### Submission from the Republic of Yemen

*Check-list of Illustrative Sanitary and Phytosanitary (SPS) Issues and  
Check-list of Illustrative Technical Barriers to Trade (TBT) Issues*

The following submission, dated 16 June 2004, is being circulated at the request of the Delegation of the Republic of Yemen.

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Check-list of Illustrative SPS Issues

Commitments (by the time of accession)	Status of Implementation and Progress
1. Standstill: the introduction of new standards, animal health regulations and food safety regulations shall conform to SPS Agreement principles.	1. Introduction of new standards, animal health regulations and food safety regulations shall conform to SPS Agreement principles, however; full compliance with the Agreement shall require financial and technical assistance as well as an appropriate transitional period.
2. Establishment and operation of a single Contact Point for Information ("enquiry point").	2. Yemen will notify the WTO of the establishment of the SPS enquiry point, upon accession.
3. Transparency: notification and access to documentation:	
(a) identification of authority responsible for making notifications to the WTO and ensuring transparency obligations are met on an ongoing basis;	(a) Please see answer No. 2 above.
(b) establish guidance or law requiring publication of proposed measures at an early stage for comment;	(b) Yemen will take this matter into consideration when designing a plan for implementation of SPS Agreement.
(c) provision in law or administrative procedure to provide copies of proposed measures to WTO Members; and	(c) Please see answer No. 3 (b) above.
(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) Comments from Members and the public will be taken into account without discrimination, if requested.
4. Necessity: measures are applied only to the extent necessary to protect human, animal or plant health.	4. Yemen's SPS measures are applied to the extent necessary to protect human, animal or plant health.
5. Regulations Based on Science: regulations governing animal and plant health and food safety shall be based on scientific evidence.	5. Yemen confirms that SPS regulations would be based on the Agreement's provisions
6. Harmonization: to the extent possible, members shall follow international standards, guidelines, and recommendations in establishing SPS measures.	6. Yemen, as a member of Codex Alimentarius Commission, IPPC, OIE, among other conventions, follows international standards, guidelines and recommendations.
7. Equivalence: members shall recognize different measures that achieve the same level of protection.	7. Yemen would recognize the different SPS measures if they achieve the same level of protection.
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. Yemen shall endeavour to apply the above to the extent necessary to protect health; however, technical assistance is required in this respect.
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. Yemen shall endeavour to take into account the regional characteristics in accordance with the SPS Agreement.
10. Non-discrimination: measures do not arbitrarily or unjustifiably discriminate between different members or between domestic and foreign suppliers.	10. Yemen will endeavour not to use measures which arbitrarily or unjustifiably discriminate between members or between domestic and foreign suppliers.

Commitments (by the time of accession)	Status of Implementation and Progress
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. Yemen will respect the provisions of the agreement on control, inspection and approval Procedures; however, financial and technical assistance are required for full compliance.

Check-list of Illustrative TBT Issues

Commitments (by the time of accession)	Status of Implementation and Progress
1. Standstill: the introduction of new standards, technical regulations and conformity assessment procedures should be fully compatible with the TBT Agreement	1. Introduction of new standards, technical regulations and conformity assessment procedures would be in compliance with TBT Agreement principles; however, full compliance with the Agreement shall require financial and technical assistance as well as an appropriate transitional period.
2. Submission of Statement on Implementation	2. Please refer to No. 1 above. Yemen will endeavour to notify WTO of TBT Agreement implementation, upon accession.
3. Establishment and operation of a single Contact Point for Information ("inquiry point")	3. Yemen will notify the WTO of the establishment of the TBT enquiry point, upon accession.
4. Identification of authority responsible for notifications, publications and other internal procedures to ensure transparency obligations are met on an ongoing basis:	4. Identification of publication where notices and proposed technical regulations and conformity assessment procedures will appear:
(a) identification of publication where notices of proposed technical regulations and conformity assessment procedures will appear;	(a) Notices and proposed technical regulations are currently distributed to domestic competent authorities. They will be published in the "Specifications Magazine", issued by YSMO.
(b) identification of authority responsible for making notifications to the WTO;	(b) Please refer to answer No. 3 above.
(c) guidance/law to ensure regulatory authorities afford non-discriminatory consideration of comments in the preparation of a final regulation;	(c) Law No. 44/1999 on Standardization, Metrology and Quality Control, (document WT/ACC/YEM/4/Add.1).
(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) Please refer to answer (4) (c) above.
(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) Please refer to answer (4) (a) and (c) above.
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:	
(a) non-discrimination with respect to the treatment of products;	(a) Yemen does not discriminate between domestic and imported products when Standards specifications (Technical Regulations) and Conformity Assessment Procedures are developed and applied.

Commitments (by the time of accession)	Status of Implementation and Progress
(b) the prohibition of unnecessary obstacles to international trade and the consideration of less trade-restrictive alternatives to fulfilling legitimate objectives;	(b) Yemen, as a member of ISO and Basel Convention among others, complies with international standards, evidence, and recommendations developed by international organization, when technical regulations and conformity assessment procedures are developed, approved, and applied.
(c) the ongoing review of technical regulations to ensure they are appropriate to achieve the desired legitimate objective;	(c) Yemen continuously reviews its technical regulations to ensure their appropriateness to achieve desired legitimate objectives.
(d) the consideration of appropriate international standards, guides and recommendations as a basis for technical regulations and conformity assessment procedures;	(d) Yemen considers international standards, guides and recommendations as a basis for technical regulations and conformity assessment procedures.
(e) the consideration of equivalent technical regulations of other Members;	(e) Yemen will positively consider technical regulations of other Members in accordance with the TBT Agreement; however, this requires receiving appropriate technical assistance.
(f) the acceptance of the results of conformity assessment procedures conducted by bodies in an exporting Member country;	(f) Yemen promotes the application of the Mutual Recognition Regime of conformity assessment with other countries, within a framework of non-discriminatory verification procedures and Yemeni recognized specifications
(g) non-discriminatory and cost-based fee structure.	(g) Fees and charges for conformity assessment of products are levied on a non-discriminatory basis between domestic and imported products, which commensurate with costs of services rendered.
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:	
(a) non-discrimination with respect to the treatment of products;	(a) Yemen does not discriminate between domestic and imported products when Standards and Conformity Assessment Procedures are developed and applied.
(b) the prohibition of unnecessary obstacles to international trade;	(b) Please refer to answer (5) (b) above.
(c) the consideration of appropriate international standards, guides and recommendations as a basis for standards;	(c) Yemen considers international standards, guides and recommendations as a basis for national standards.
(d) non-discriminatory and cost-based fee structure.	(d) Please refer to answer (5) (g) above.