

Committee on Sanitary and Phytosanitary Measures

**QUESTIONNAIRE ON THE OPERATION OF SPS ENQUIRY POINTS AND
NATIONAL NOTIFICATION AUTHORITIES**

Note by the Secretariat¹

Revision

1. The SPS Committee has periodically held special meetings on transparency provisions, in November 1999 and October 2003. The next such special meeting is scheduled for October 2007.
2. In preparation for these meetings, Members have been requested to provide information regarding the operation of their Enquiry Points and National Notification Authorities. Members are therefore requested to fill in the attached questionnaire. Any additional information relevant to the matter at issue is also welcome.
3. An electronic version of the questionnaire is available from <http://docsonline.wto.org/>. Alternatively, an electronic version can be obtained by sending an e-mail to Irma.Bracco@wto.org with the words "Enquiry Point Questionnaire" in the subject line.
4. Please return the completed questionnaire by Monday, 31 January 2007 to Christiane Wolff, Agriculture and Commodities Division, World Trade Organization, Centre William Rappard, Rue de Lausanne 154, 1211 Geneva 21; Fax: +41 22 739 5760; E-mail: christiane.wolff@wto.org.

¹ This document has been prepared under the Secretariat's own responsibility and is without prejudice to the positions of Members or to their rights or obligations under the WTO.

**QUESTIONNAIRE ON THE OPERATION OF SPS ENQUIRY POINTS AND
NATIONAL NOTIFICATION AUTHORITIES**

1. Contact Details Please confirm that the information contained in G/SPS/ENQ20 and G/SPS/NNA10 is correct. Please provide any corrections on a separate piece of paper.

2. Enquiry Point and National Notification Authority

Are your SPS Enquiry Point and National Notification Authority two separate agencies?

Yes [] No []

– If yes, how do they co-ordinate?

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3. Staff and equipment – Enquiry Point

(a) Please indicate how many officials serve the Enquiry Point and describe their functions. Is this their primary responsibility, or do they have other tasks?

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(b) If the Enquiry Point has computer facilities, which of the following are used?

- Word processor []
- Database []
- E-mail []
- Internet (www) [] Address:
- Other [] Please specify:

4. Staff and equipment – National Notification Authority

(a) Please indicate how many officials serve the National Notification Authority and describe their functions. Is this their primary responsibility, or do they have other tasks?

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(b) If the National Notification Authority has computer facilities, which of the following are used?

- Word processor []
- Database [] Please specify:
- E-mail []
- Internet (www) [] Address:
- Other [] Please specify:

5. Notifications

(a) Is the submission of notifications part of a regular procedure for developing national SPS regulations?

Yes [] **No** []

– Please briefly explain the procedure followed.

(b) Is the length of the comment period provided on your notifications determined by your national regulatory procedures?

Yes [] **No** []

– If not, please explain how you determine the length of the comment period.

(c) Item 3 (products covered) of the regular and emergency SPS notification formats requests information on tariff item numbers, i.e. HS codes, and ICS numbers. To what extent are/would you be able to provide these HS codes on your notifications?

- [] **Already providing HS codes on all notifications.**
- [] **Sometimes providing HS codes on notifications.**
- [] **Not currently providing HS codes, but could easily do so if requested.**
- [] **Could not easily provide HS codes.**

– Please explain your response.

(d) Would you find it useful if other Members provided HS codes on their notifications?

6. International standards

(a) Is the Enquiry Point or the National Notification Authority regularly informed of the development or adoption of international standards by Codex, OIE and IPPC?

Yes, the Enquiry Point [] **Yes, the Notification Authority** [] **No** []

– If yes, how? (e.g. through the National Plant Protection Organisation (NPPO))

(b) Annex B of the SPS Agreement requires notification of new or changed sanitary and phytosanitary regulations that are not based on an international standard. Do you notify

- only those regulations that are not based on an international standard;**
- all new or changed regulations, whether or not they are based on an international standard; or**
- some regulations that are based on an international standard, if they are of particular interest to trading partners?**

– Why? Please comment.

(c) Would you prefer that other Members notify

- only those regulations that are not based on an international standard;**
- all new or changed regulations, whether or not they are based on an international standard; or**
- some regulations that are based on an international standard, if they are of particular interest to trading partners?**

– Why? Please comment.

(d) The notification format requests information about how proposed measures differ from any relevant international standards. How do you check what international standards are relevant? How do you determine what are the differences between your proposed measure and the international standard?

– Please explain.

7. Handling requests for full texts of proposed and adopted regulations

(a) Who handles requests for full texts of proposed regulations (draft regulations)?

Enquiry Point **Notification Authority** **Both**

– Comments:

(b) Do you have a complete inventory of your country's proposed and adopted sanitary and phytosanitary regulations?

Yes, at the Enquiry Point **Yes, at the Notification Authority** **No**

– Comments:

(c) Do you have copies of the full texts of your country's proposed and adopted sanitary and phytosanitary regulations?

Yes, at the Enquiry Point [] **Yes, at the Notification Authority** [] **No** []

– If not, how do you obtain texts when they are requested? How long does it usually take?

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(d) In case your country's language is not one of the WTO's working languages (English, French and Spanish), is the Enquiry Point/Notification Authority able to provide summaries of the sanitary and phytosanitary regulations in one of these languages?

Yes, the Enquiry Point [] **Yes, the Notification Authority** [] **Sometimes** [] **No** []

– Comments:

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8. Handling other requests for information

(a) Are questions addressed to the Enquiry Point (e.g. about control and inspection procedures, quarantine treatment, risk assessment, bilateral and multilateral agreements etc.) answered *directly* by the Enquiry Point?

Yes [] **No** []

– Please give a brief explanation of the procedure followed by the Enquiry Point, or if the Enquiry Point does not respond directly, identify the authorities dealing with those questions.

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(b) How long does it normally take to respond to questions?

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9. Inter-agency communication and co-ordination

(a) Does the Enquiry Point have regular contact with officials in the relevant ministries/agencies (for example agriculture, health and trade ministries, veterinary office, plant protection office, mission in Geneva, etc.)?

Yes [] **No** []

– If yes, how often? With whom (at what level)? What type of information does the Enquiry Point provide/receive?

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(b) Does the National Notification Authority have regular contact with officials in the relevant ministries/agencies (for example agriculture, health and trade ministries, veterinary office, plant protection office, mission in Geneva, etc.)?

Yes [] **No** []

– If yes, how often? With whom (at what level)? What type of information does the National Notification Authority provide/receive?

10. SPS documents/Committee meetings

(a) Does the Enquiry Point receive other Members' SPS notifications?

Yes [] **No** []

– If yes, how (fax, SPS e-mail list, WTO website, etc.)?

(b) Does the Enquiry Point receive the monthly summary of SPS notifications?

Yes [] **No** []

– If yes, please explain if and for what purposes it is useful.

(c) Does the Enquiry Point receive copies of other SPS Committee documents?

Yes [] **No** []

– If yes, how?

(d) Does the Enquiry Point regularly follow the work of the SPS Committee?

Yes, by attending Committee meetings [] **Yes, by other means** [] **No** []

– Please comment.

(e) Does the Enquiry Point have regular contact with other WTO Members' Enquiry Points?

Yes [] **No** []

– For what purpose?

(f) Do the Enquiry Point and the National Notification Authority have a copy of the WTO Handbook on How to Apply the Transparency Provisions of the SPS Agreement?

Yes, the Enquiry Point [] **Yes, the Notification Authority** [] **No** []

– Comments:

11. Other services

(a) Does the Enquiry Point provide information about *other* countries' import requirements to interested domestic producers/exporters?

Yes [] **Yes, when requested** [] **No** []

– If yes, please briefly explain how this is done (e.g., via a newsletter, email alert, established contact list, etc.).

(b) Does the Enquiry Point provide comments on other Members' SPS notifications?

Yes [] **No** []

– If yes, please explain how these comments are drafted. Is there a mechanism for inter-agency consultation or for coordination with stakeholders?

– If no, who is responsible for commenting on other Members' notifications?

(c) Does the Enquiry Point provide information about *your national* import requirements to interested national producers/importers/exporters?

Yes [] **Yes, when requested** [] **No** []

– If yes, please briefly explain how this is done.

(d) Does the Enquiry Point provide any other services? (For example serving as contact point for Codex, OIE, IPPC, etc.)

Yes [] **No** []

– If yes, please explain.

12. Technical assistance

(a) Have you provided technical assistance to Enquiry Points and/or National Notification Authorities before?

Yes [] **No** []

– If yes, please briefly describe the activities and the countries involved.

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(b) Would you be willing to provide technical assistance to Enquiry Points and/or to National Notification Authorities?

Yes, to least-developed countries [] **Yes, to other developing countries** [] **No** []

– If yes, in what form?

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(c) Have you identified specific technical assistance needs for your Enquiry Point and/or National Notification Authority?

Yes [] **No** []

– If yes, please briefly describe these needs.

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(d) Have you requested technical assistance for your Enquiry Point and/or National Notification Authority? Have you received technical assistance?

Requested and received [] **Requested, but not received** []
Received, but not requested [] **Neither received nor requested** []

– Please briefly describe the technical assistance requested and/or received.

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(e) If you have received or provided technical assistance related to the operation of Enquiry Points or National Notification Authorities, what could be done differently to increase its effectiveness?

If you have not received or provided technical assistance related to the operation of Enquiry Points or National Notification Authorities, what are your expectations from such assistance?

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13. §Special and differential treatment

(a) Are you aware of the Procedure to Enhance Transparency of Special and Differential Treatment in Favour of Developing Country Members adopted by the SPS Committee in October 2004 (G/SPS/33)?

Yes [] No []

(b) As of November 2006, no notification using the format suggested in document G/SPS/33 had been submitted. Based on your own experience, why do you think that is the case?

[] **Developing country Members are using the steps in G/SPS/33 to request special and differential treatment, but this is not being notified.**

[] **Developing country Members are using other channels to request special and differential treatment.**

[] **Developing country Members are unable to screen incoming notifications quickly enough to identify potential problems within the comment period and request special and differential treatment.**

[] **Other (please specify below).**

– Please explain your response.

14. Equivalence

(a) Are you aware of the SPS Committee's Decision on Notification of Determination of the Recognition of Equivalence (G/SPS/7/Rev.2/Add.1) adopted in June 2002?

Yes [] No []

(b) As of November 2006, no notification of determination of the recognition of equivalence had been submitted. Based on your own experience, why do you think that is the case?

[] **Members are applying Article 4 of the SPS Agreement on equivalence and the SPS Committee's Decision on the Implementation of Article 4 (G/SPS/19/Rev.2), but this is not being notified.**

[] **Members are using mechanisms other than equivalence to obtain market access.**

[] **Members are unable to reach agreement on the recognition of equivalence in practice.**

[] **Other (please specify below).**

– Please explain your response.

15. Comments/Suggestions

(a) Do you have any other comments about the operation of an Enquiry Point, or suggestions for those who are to operate an Enquiry Point?

(b) Do you have any other comments about the operation of a National Notification Authority, or suggestions for those who are to operate a National Notification Authority?

