

**CHINA'S PROPOSAL ON THE AMENDMENT TO "THE RECOMMENDED  
PROCEDURES FOR IMPLEMENTING THE TRANSPARENCY OBLIGATIONS  
OF THE SPS AGREEMENT (ARTICLE 7)"**

Submission by China

The following communication, received on 14 September 2007, is being circulated at the request of the Delegation of China.

With regard to the "Recommended Procedures for Implementing the Transparency Obligations of the SPS Agreement (Article 7)" (G/SPS/7/Rev.2), China would like to propose the following:

**1. Proposed amendment**

1. Due to the fact that SPS measures notified are highly specialized and that the texts of most proposed regulations are lengthy and in a non-WTO working language, Members, especially developing country Members, usually find it difficult to translate, study and comment on the notified measure in sixty days. In this connection, China suggests that an additional provision be included in paragraph 8 of the Recommended Procedures to encourage Members, especially developed Members, to provide longer comment periods.

2. In accordance with paragraph 8 of the Recommended Procedures, "Members shall normally allow a period of at least sixty days for comments". However, most of the comment periods are in fact shorter than sixty days. This is because on the one hand, the comment periods allowed for by some Members are shorter than sixty days; and on the other hand, there are a few steps before notifications are circulated by the WTO Secretariat which also require a certain amount of time to go through. For example, submission of notifications to the WTO Secretariat, by the regulatory bodies of Members that draft SPS measures through their notification authorities and their permanent missions to WTO, and the verification and circulation by the Secretariat both take time. These factors reduce the comment period to less than sixty days between the date of circulation by the Secretariat and the expiry date of the comment period. In this respect, China suggests that the method of calculation of the comment period be changed in the Recommended Procedures, to count the comment period starting from the date of circulation by the WTO Secretariat. This is the same proposal China submitted to the Committee in March 2003 (G/SPS/W/131).

**2. Proposed amendment regarding the implementation of the Recommended Procedures**

3. Paragraph 14 of the Recommended Procedures states that "Documents requested should normally be provided within five working days. If this is not possible, the request for documentation

or information should be acknowledged within this period and an estimate of time required to provide the requested documentation should be given". Failure to observe this recommendation sometimes prevents trading partners getting the document in time and providing timely comments. In view of this, China suggests that the SPS Committee encourage Members to strictly comply with the recommendation so as to ensure that Members have sufficient time to comment.

4. Paragraph 28(a) of the Recommended Procedures states that "when a proposed regulation is either adopted or comes into force, a Member may wish to indicate on the Addendum that the final regulation has been substantially modified from the notified proposal". This provision is helpful for other Members to know accurately what measures are finally approved and what will be implemented. But presently, such Addenda are still not commonly used by Members. In this connection, China suggests that the SPS Committee encourage Members to strictly comply with paragraph 28 and circulate the addendum accordingly.

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