WORLD TRADE ORGANIZATION

Committee on Sanitary and Phytosanitary Measures

ANALYSIS OF THE REPLIES TO THE QUESTIONNAIRE ON TRANSPARENCY UNDER THE SPS AGREEMENT

NOTE BY THE SECRETARIAT[1]

1 INTRODUCTION

1.1. In the context of the Fourth Review of the Operation and Implementation of the SPS Agreement, Chile, the European Union, Morocco and Norway submitted a joint proposal for actions related to the implementation of the transparency provisions of the SPS Agreement (G/SPS/W/278). The joint proposal highlights specific modifications to the Recommended Transparency Procedures (G/SPS/7/Rev.3) aiming primarily at improving the quality and completeness of SPS notifications. Several Members expressed their concerns about changing the notification formats and the Recommended Transparency Procedures without first undertaking a diagnosis of Members' needs and difficulties.

1.2. Consequently, at its meeting in October 2014, the SPS Committee agreed that the Secretariat develop a questionnaire on transparency. Such questionnaire could also help identify problems encountered by Members that could be addressed within an on-going project aiming at improving and modernizing the SPS IMS and NSS applications. Members were invited to suggest questions for inclusion in the questionnaire, and the Secretariat took these suggestions into account in preparing the questionnaire.

1.3. The questionnaire (G/SPS/GEN/1382) was circulated on 2 February 2015, and Members were invited to submit their responses by 20 February 2015. The deadline was subsequently extended by one week. The Secretariat received **108 responses** to the questionnaire. This Note provides an analysis of the responses to the questionnaire.

2 OVERVIEW OF THE QUESTIONNAIRE

2.1. The questionnaire was open to any entity in charge of Members' SPS transparency obligations; thus multiple responses from the same Member were allowed. Excluding one questionnaire submitted by the private sector, a total of 108 completed questionnaires were received, from 93 Members and one Observer Government.[2]

2.2. As can be seen in Figure 1, 23% of the replies came from least-developed, 56% from developing, and 20% from developed country Members.

2.3. In terms of the regional breakdown, as shown in Figure 2, at least one reply was received from each of the seven regional categories[3], some of which contain more Members than others. More specifically, three replies were received from North America, 22 from South and Central America and the Caribbean, eight from Europe, two from the Commonwealth of Independent States (CIS), 32 from Africa, six from the Middle East, and 23 from Asia. With regard to the

---

[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 and obligations under the WTO.
[2] See the attachment for a full list of respondents.
[3] The geographical groupings used rely on WTO working definitions as identified in the Integrated Database (IDB) for analytical purposes (idb@wto.org). The same groupings are used in the WTO Annual Reports. They can be consulted through the SPS IMS by clicking on "definitions of groups" on the left-hand side menu bar.

European Union, we received one questionnaire from the NNA and NEP of the European Commission, and several questionnaires from the Enquiry Points of individual EU member States.

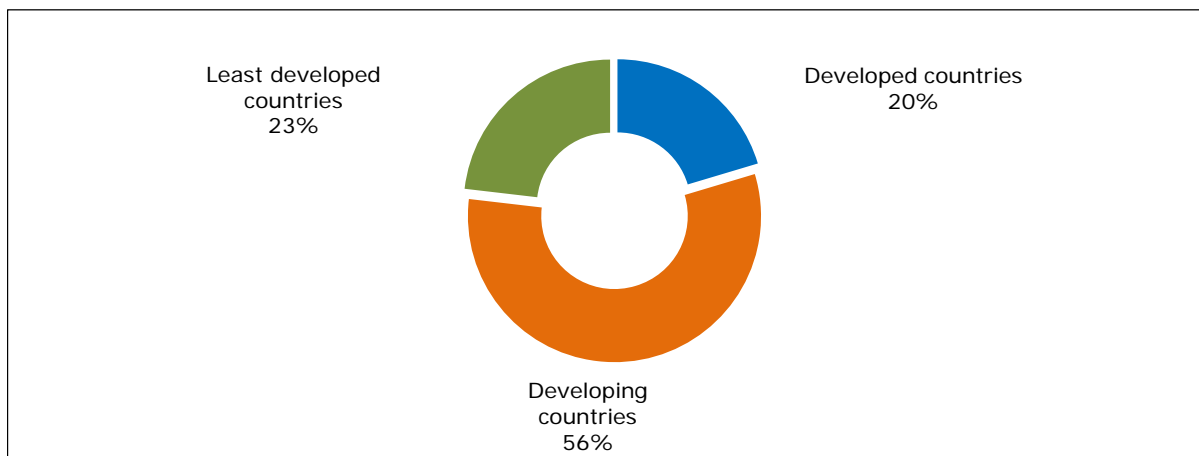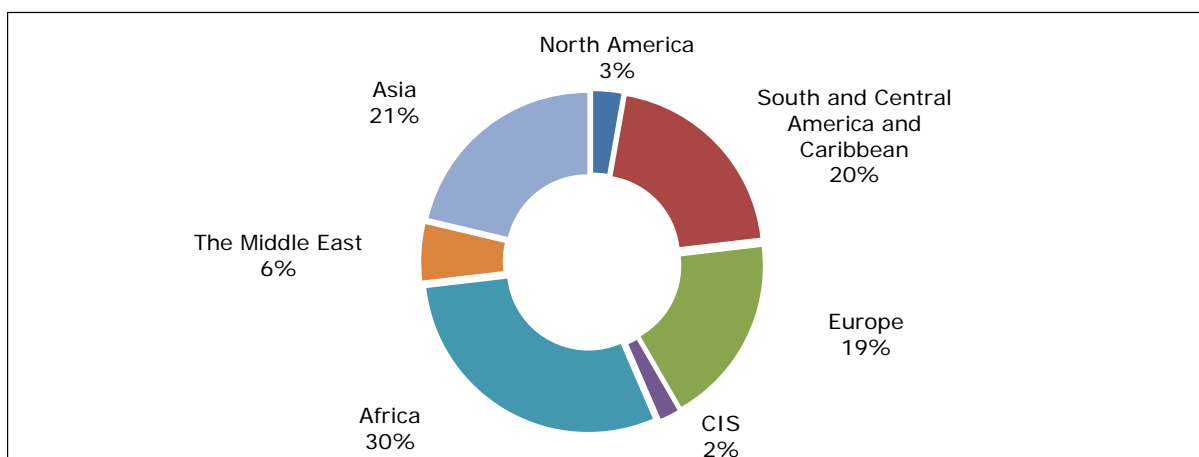**Figure 1 - Development status of respondents to questionnaire**

Least developed countries
23%

Developed countries
20%

Developing countries
56%

Figure 2 - Regional breakdown of respondents

North America
3%

Asia
21%

South and Central America and Caribbean
20%

The Middle East
6%

Europe
19%

Africa
30%

CIS
2%

2.4. A large majority of the questionnaires were submitted online (Figure 3). Only 15% of the total responses were sent to the Secretariat in *Word* format by e-mail.

Figure 3 - Type of submission

Word document
15%
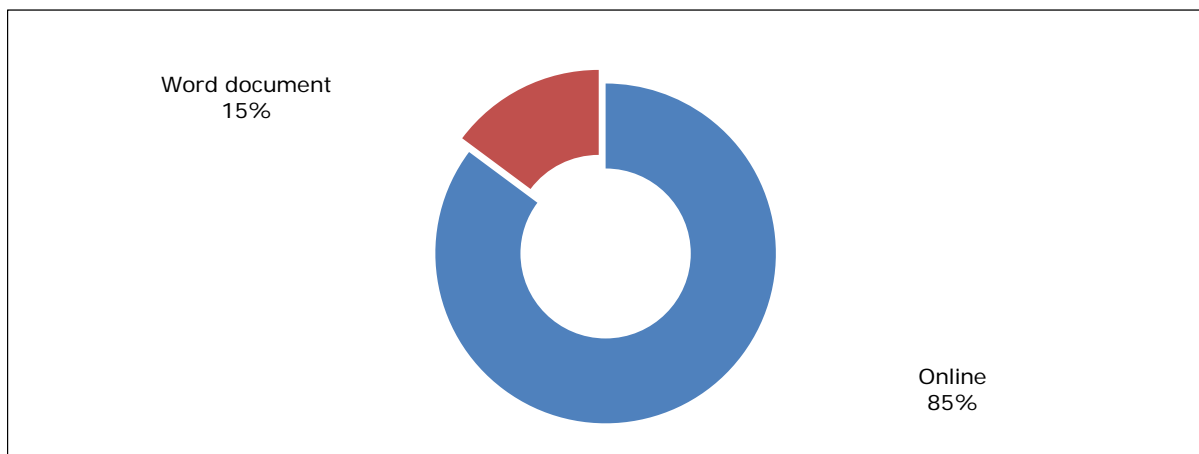
Online
85%

2.5. An online version of the analysis to the responses can be found at the following link: http://goo.gl/ZmemfC. The following section analyses the responses to the questionnaire by reporting the statistics for all multiple choice questions and briefly summarising the written comments associated to each question. For interested Members, the open-text replies can be consulted either online or through the WTO Secretariat, by requesting them from: spscommittee@wto.org.

2.6. Please note that, since many questions allowed for multiple responses, the total number of replies does not always add up to 108.

3 ANALYSIS OF THE REPLIES TO THE QUESTIONNAIRE

3.1. For ease of reference, the analysis of the replies to the questionnaire reported hereafter will follow the structure and numbering of the original questionnaire.

1 CONTACT DETAILS

1.1. Who is filling in this questionnaire?
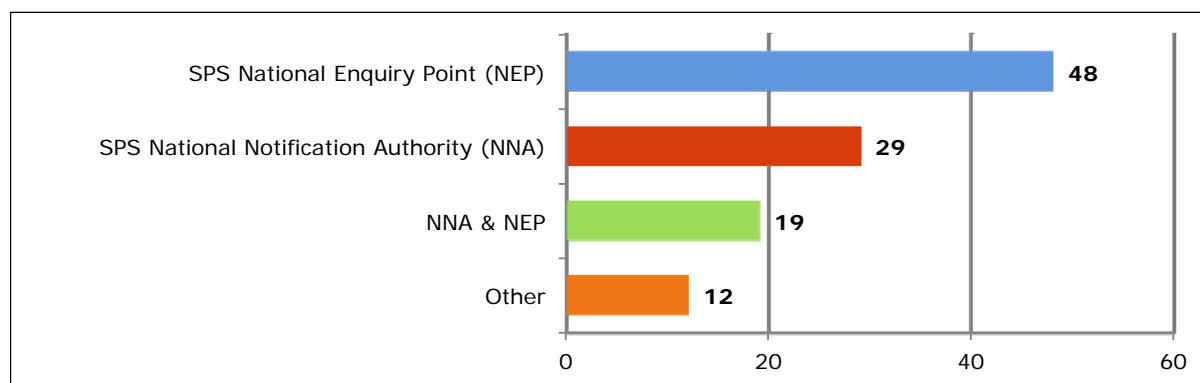
3.2. The large majority of questionnaires was submitted by National Notification Authorities (NNA), National Enquiry Points (NEP) or both NNA and NEP in conjunction. Only 12 questionnaires were completed by different government entities, mainly under Ministries of Agriculture, Livestock, Fishery, or Trade and Industry.

1.2. Is the contact information of your NNA and NEP available on the SPS IMS up to date?
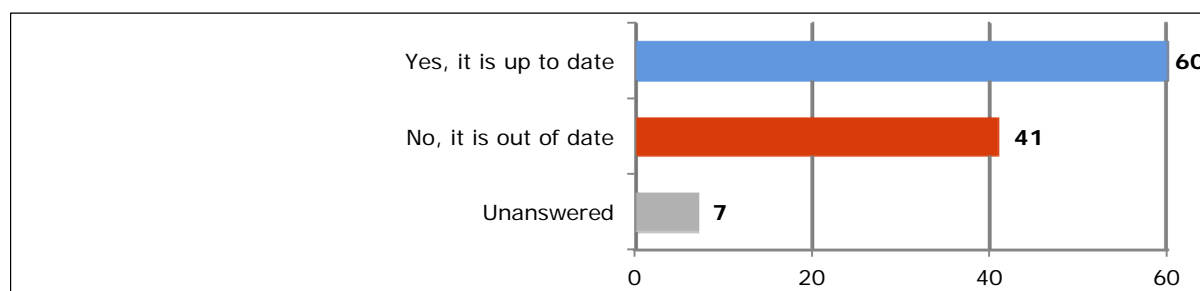

3.3. 40% of respondents[4] indicated that the information about their NNA and NEP available in the SPS IMS needed to be updated, highlighting the importance of keeping this information up-to-date by informing the SPS Secretariat of any changes. All changes communicated to the Secretariat in response to the questionnaire are being updated in the SPS IMS.

---

[4] Percentages are calculated by dividing the given number of preferences assigned to a specific choice of the question by the total number of responses to that question, excluding the number of blank responses.
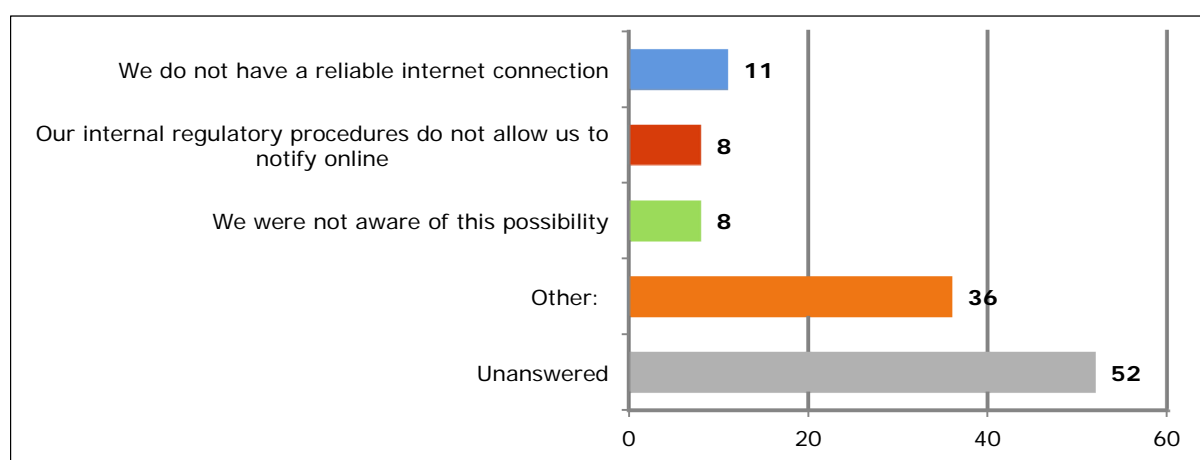
2 FILLING-IN AND SUBMITTING NOTIFICATIONS

2.1. What are the main difficulties you encounter when filling in a notification?
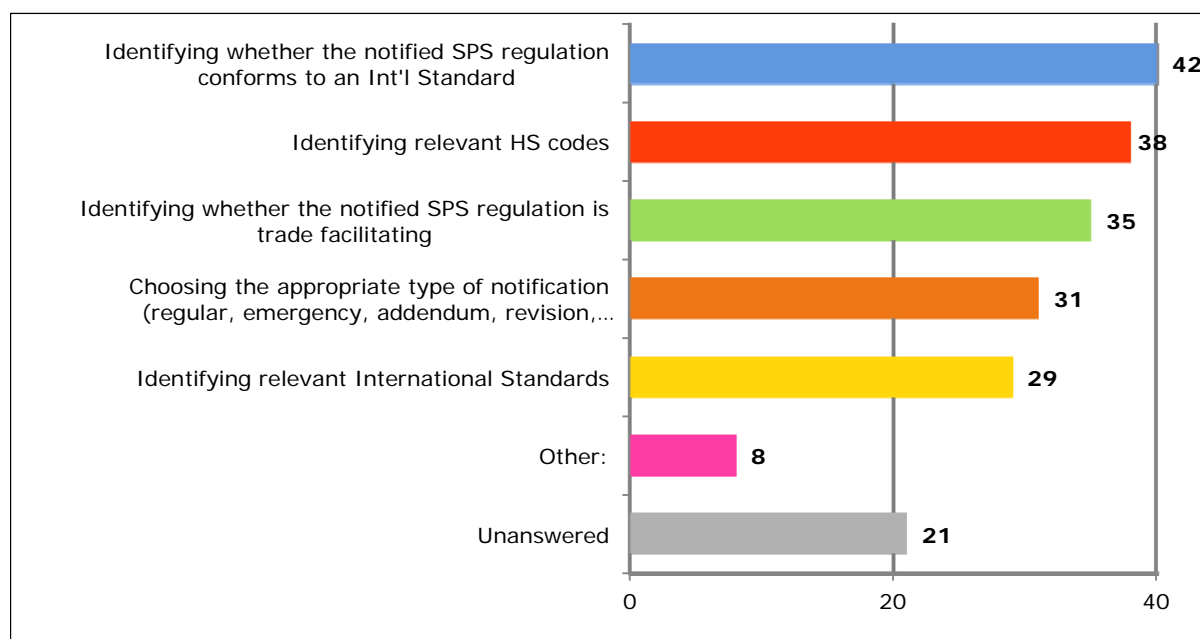
2.2. Do you notify online through the SPS Notification Submission System (SPS NSS)?
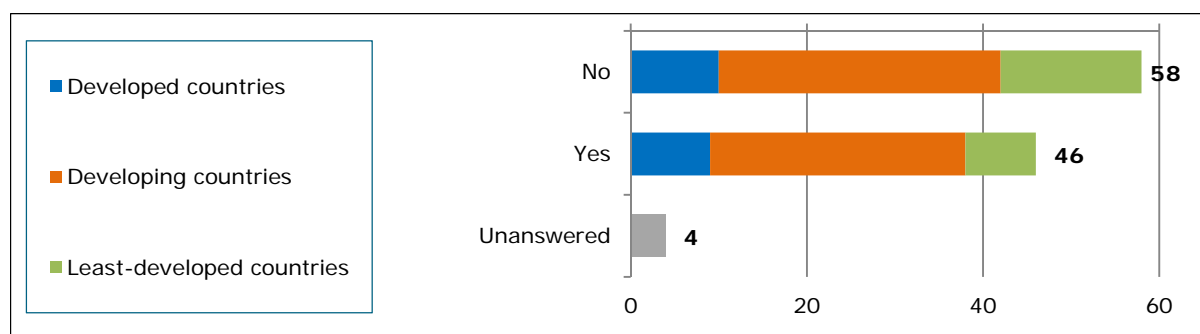

2.3. If not, why?

3.4. Half the respondents indicated that they do not notify online through the SPS Notification Submission System. For the time being 62 Members have requested access to the SPS NSS, of which only 32 Members actively notify online. The reasons reported for not notifying online are equally distributed among unreliable internet connection, internal regulatory procedures that do

not allow for the possibility of notifying online, and the lack of awareness of the possibility to do so. Those who chose *Other* in response to this question also indicated very similar reasons.

2.4. What are your specific suggestions with regard to modernizing/improving the SPS Notification Submission System (SPS NSS)?

3.5. Respondents submitted 60 comments with specific suggestions on how to improve the SPS NSS. The most frequent suggestions include: a more user-friendly, simplified interface; the possibility of jumping from one field to another while filling in the notification; automatic saving of each field once completed; an assisted search function for HS codes; rich text; and a confirmation message of receipt of the notification. Since the Secretariat is currently updating and improving the SPS NSS, all relevant comments have been taken into account and will be addressed, if possible. A few respondents have also identified the need for more capacity building and training of the officers responsible for notifications.

## 2.5. What are the support tools you use to fill in a notification?
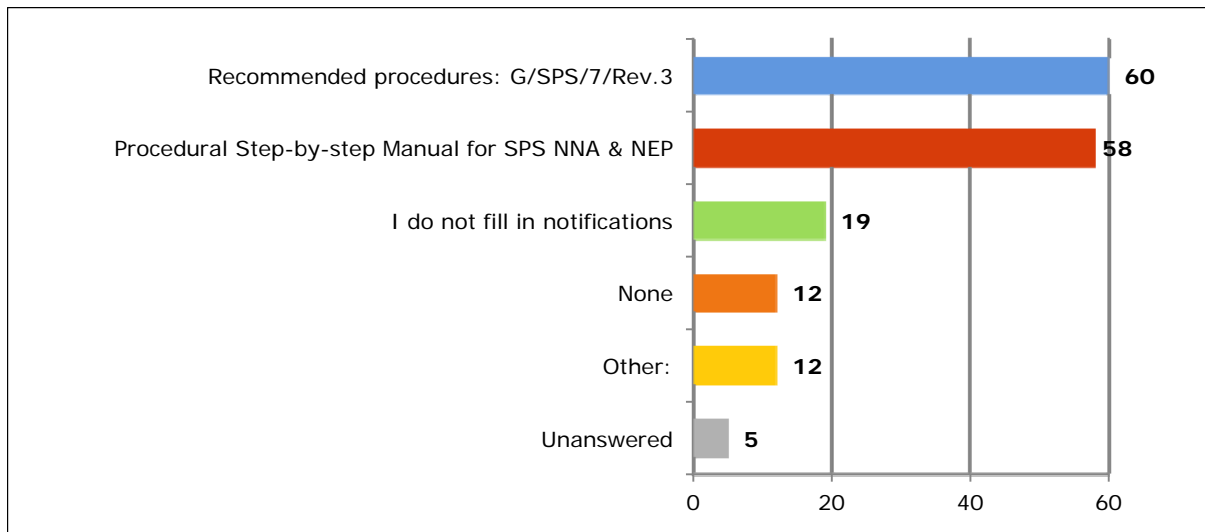
2.6. When you are not able to provide a 60-day comment period, this is mostly because:
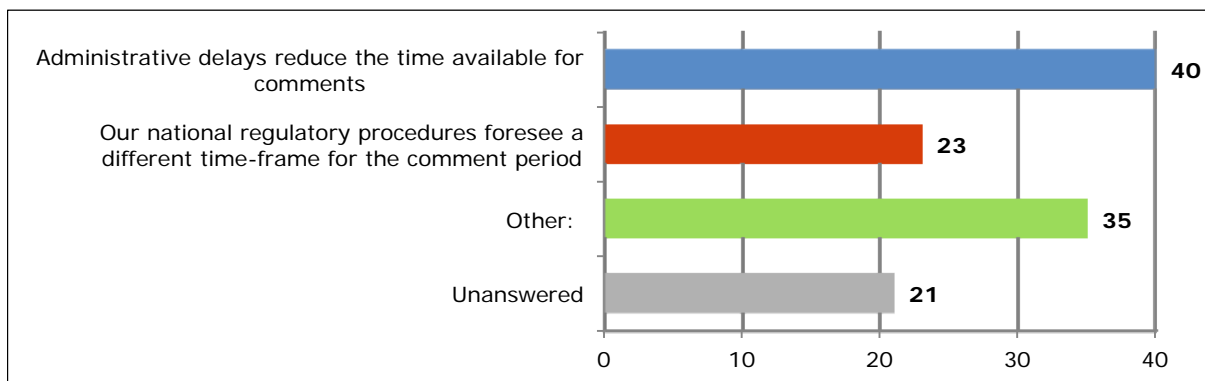
3.6. Unfortunately, most of the 35 respondents who chose *Other* did not further specify the reasons for not providing the recommended 60-day comment period.

2.7. The Committee recommends that a notifying Member should grant requests for extension of a comment period via an addendum to the original notification. When you grant such an extension of the comment period, is this granted to all Members?
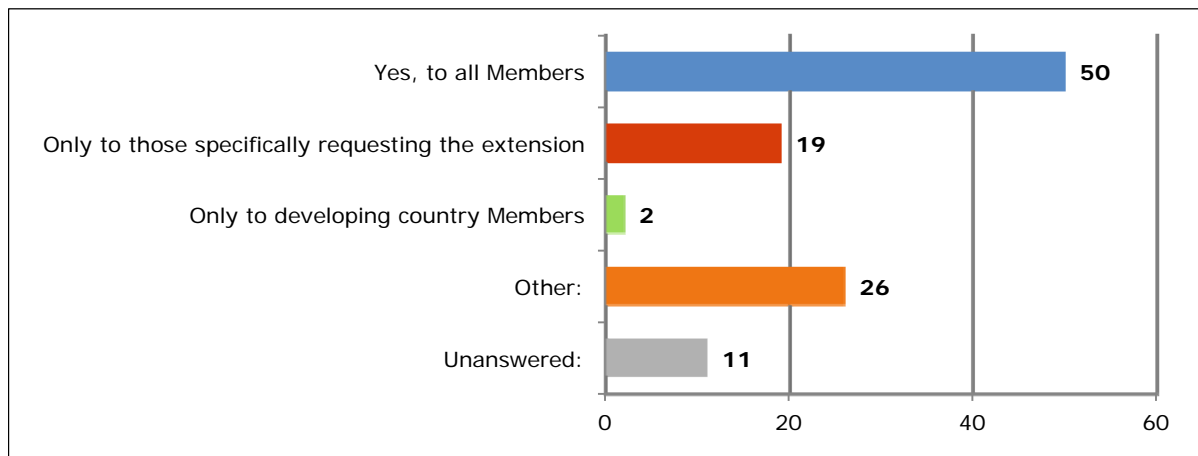
3.7. Of the respondents selecting *Other,* 11 indicated that the question was not applicable to them, either because they had never granted an extension, or because they were not responsible for notifying. Seven responses came from EU member States, specifying that in general the European Union notifies the extension of a comment period via an addendum to all WTO Members. However, in a few cases, the extensions were granted only to the requesting Member, in particular if only one Member requested it. Four other Members who chose *Other* reiterated that they usually grant such extensions only to the Members that request it.

3 QUALITY OF NOTIFICATIONS

3.1. Are you, in general, satisfied with the quality and completeness of information provided by Members in their SPS notifications?
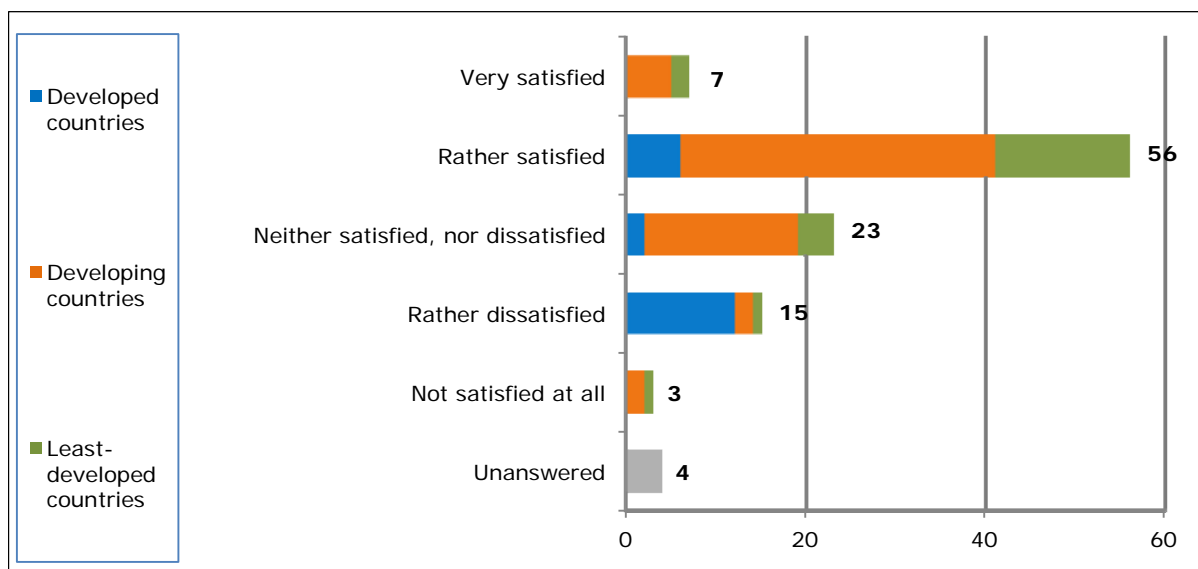

3.8. The overall trend shows a high level of satisfaction among Members, 60% of whom identified themselves as very or rather satisfied with the quality and completeness of information provided in SPS notifications. There appears to be a correlation between Members' development status and their level of satisfaction, with a somewhat lower level of satisfaction among developed country Members.

**3.2. What problems do you encounter, if any?**
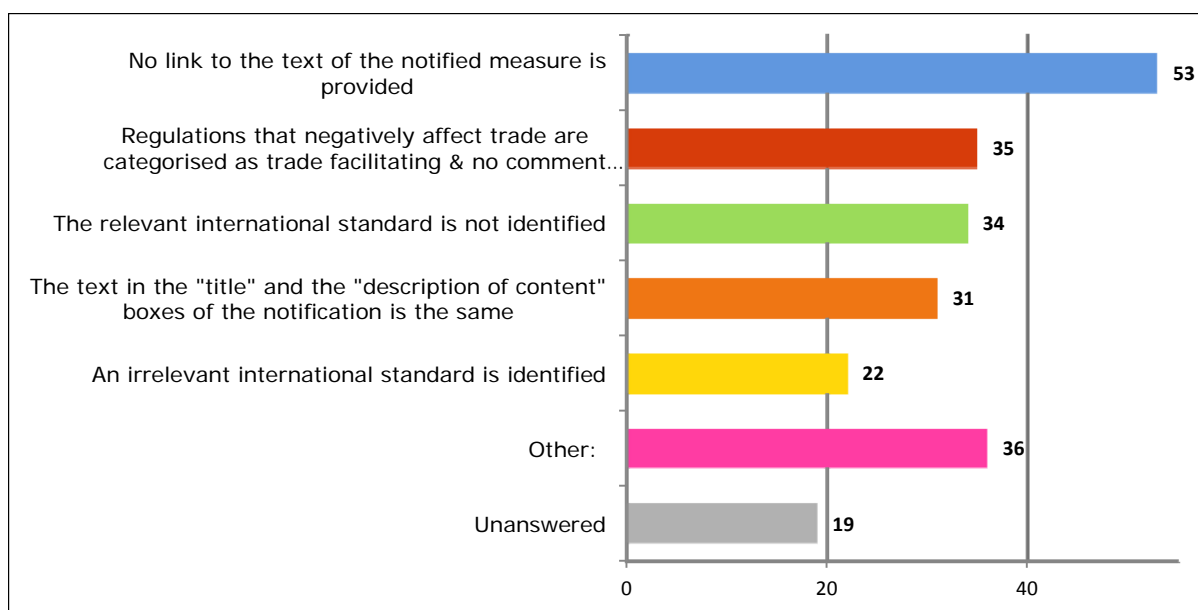
3.9. Only nine respondents who chose *Other* provided further information, all referring to the lack of translation of the notified measure into one of the WTO working languages. Many also flagged that hyperlinks to notified texts provided in notifications often do not function.

3.3. In light of the recommendation in the Recommended Transparency Procedures (G/SPS/7/Rev.3) to provide 60 days for comments on a notified regulation, are you in general satisfied with the comment period granted by other Members for REGULAR notifications?
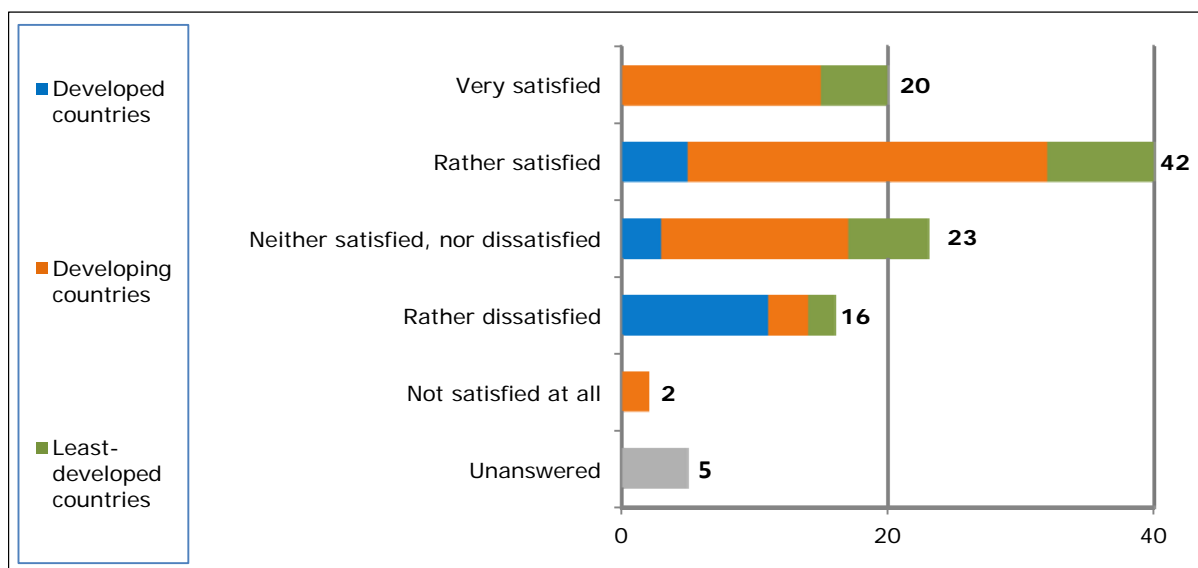
3.4. Annex B of the SPS Agreement requires immediate notification of emergency regulations. Are you, in general, satisfied with the timeliness of EMERGENCY notifications?
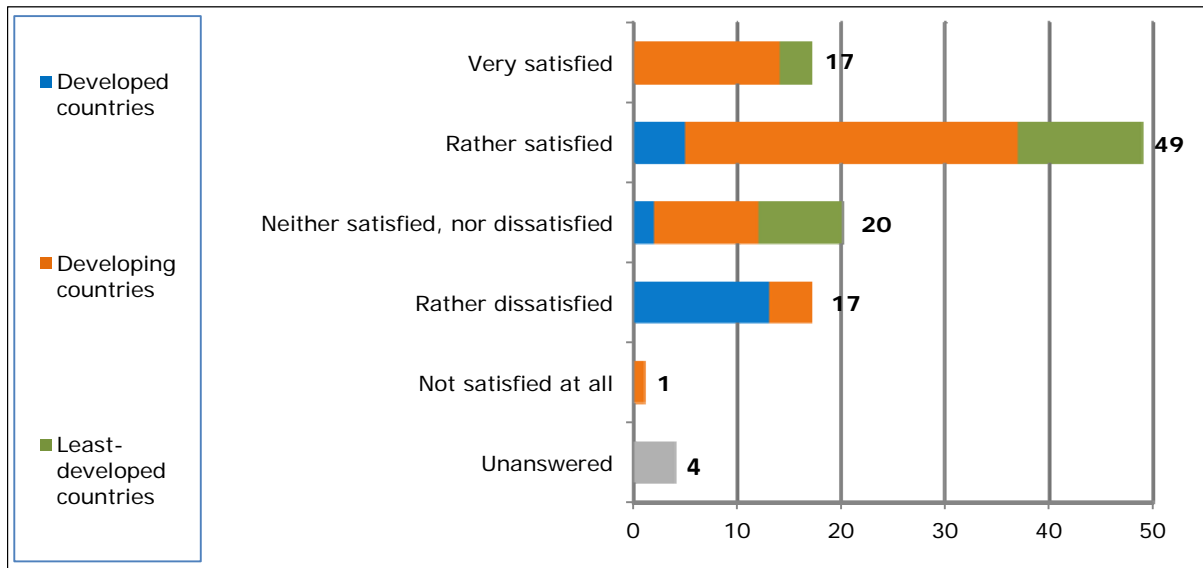
3.10. The replies to questions 3.3 and 3.4 indicate that generally respondents appear to be satisfied with the comment periods granted for regular notifications, and with the timeliness of emergency notifications. For both questions, the majority of the respondents chose the two highest options (rather satisfied and very satisfied) - in 60% of cases for regular notifications and in 63% of cases for emergency notifications. However, as for question 3.1, the level of satisfaction seems to be correlated to Members' development status, with a lower level of satisfaction among developed country Members.

3.5. The WTO Secretariat assigns keywords to notifications. These keywords can be used to conduct searches in the SPS IMS. Are you satisfied with the list of keywords?
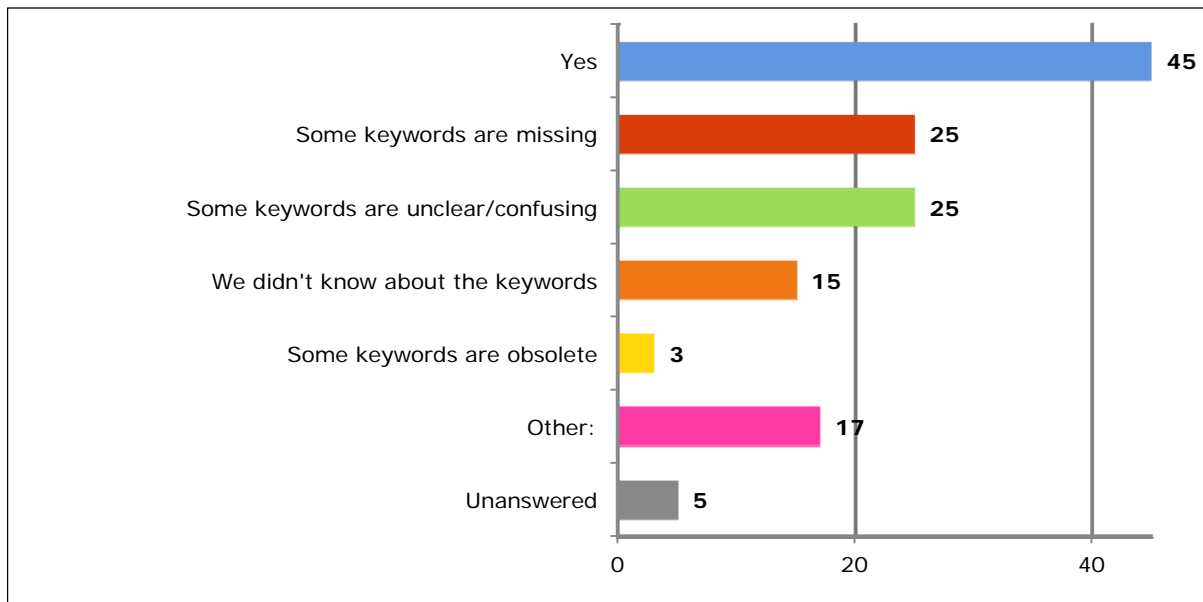
3.11. While around one third of the respondents indicated that they are satisfied with the list of keywords, the remaining two thirds suggest there is room for improvement.

4 RECEIVING NOTIFICATIONS AND FOLLOW-UP

4.1. How do you receive/search for other Members' WTO SPS notifications?
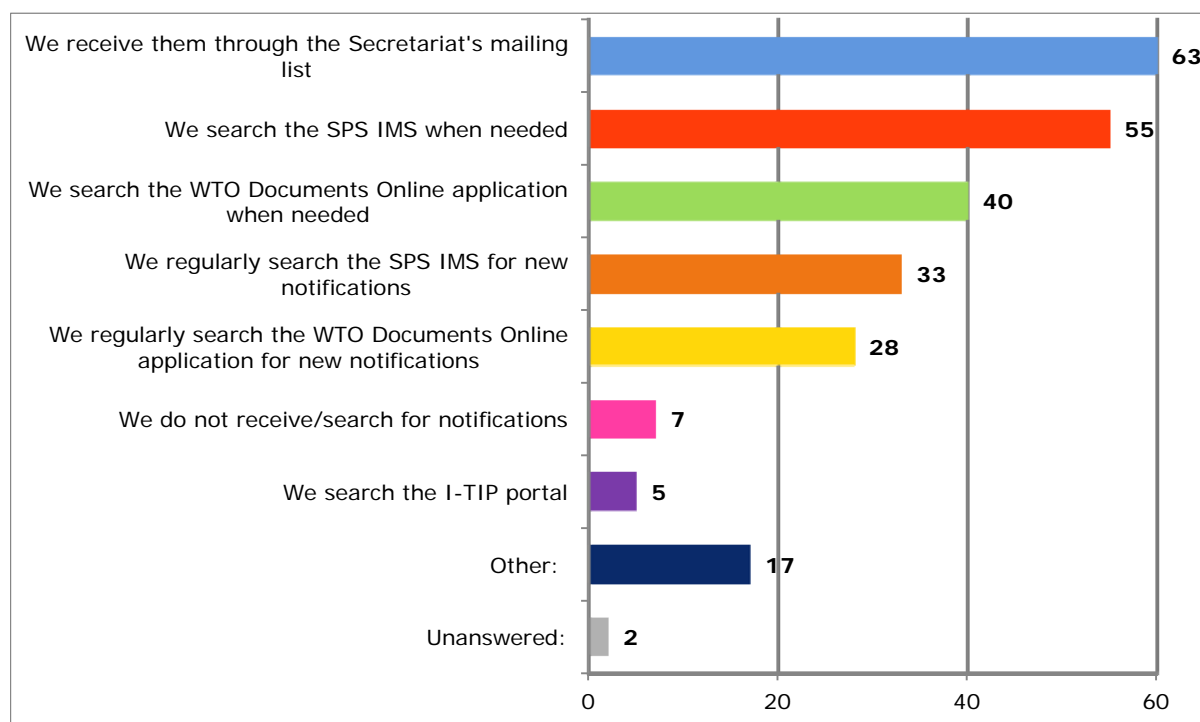

3.12. Only eight out of the 17 respondents choosing *Other* further explained how they usually receive/search for other Members' WTO SPS notifications. Five of these are EU member States reporting that they receive notifications through the European Union database.

4.2. Do you identify relevant SPS notifications and bring them to the attention of interested national stakeholders?
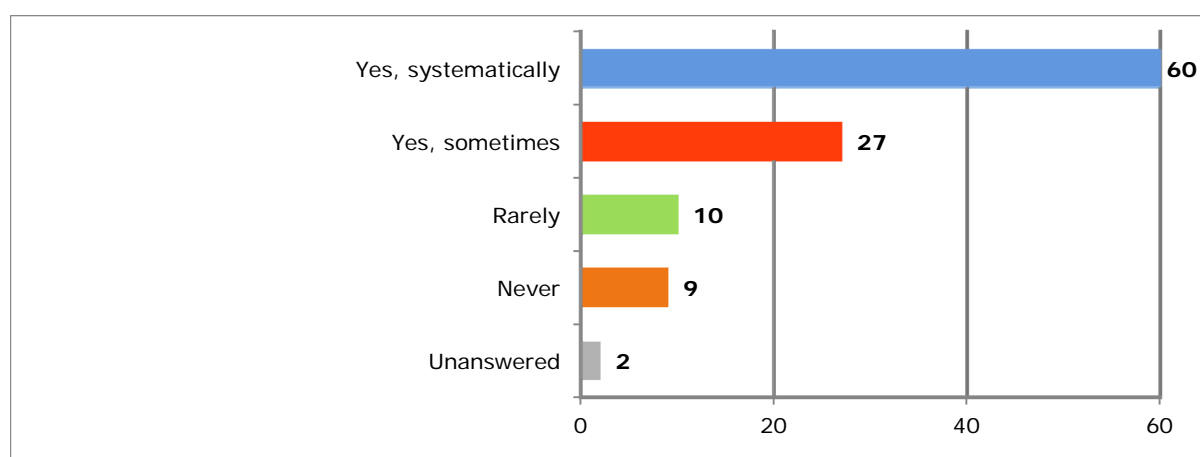
If yes, how do you bring SPS notifications to the attention of the interested stakeholders?
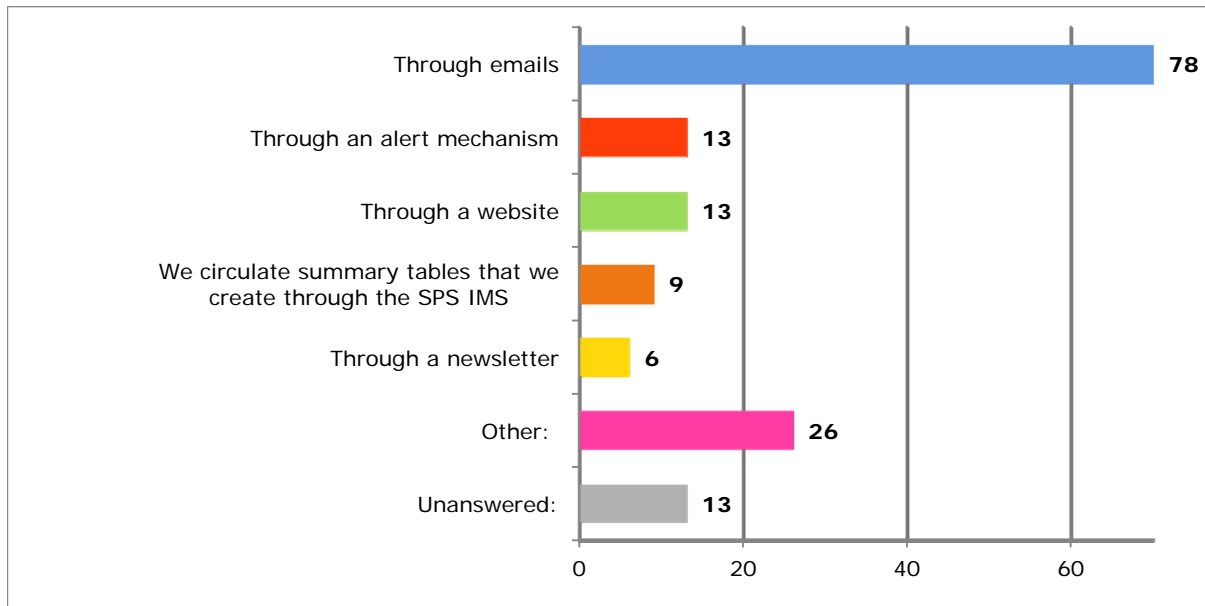

3.13. Only five respondents who chose *Other* provided further explanation, indicating that they informed stakeholders through physical documents; national committees; a dedicated website; publications on SPS issues; and e-mails.

4.3. What are the most important difficulties you are encountering in the identification of relevant notifications and in their distribution to relevant stakeholders?
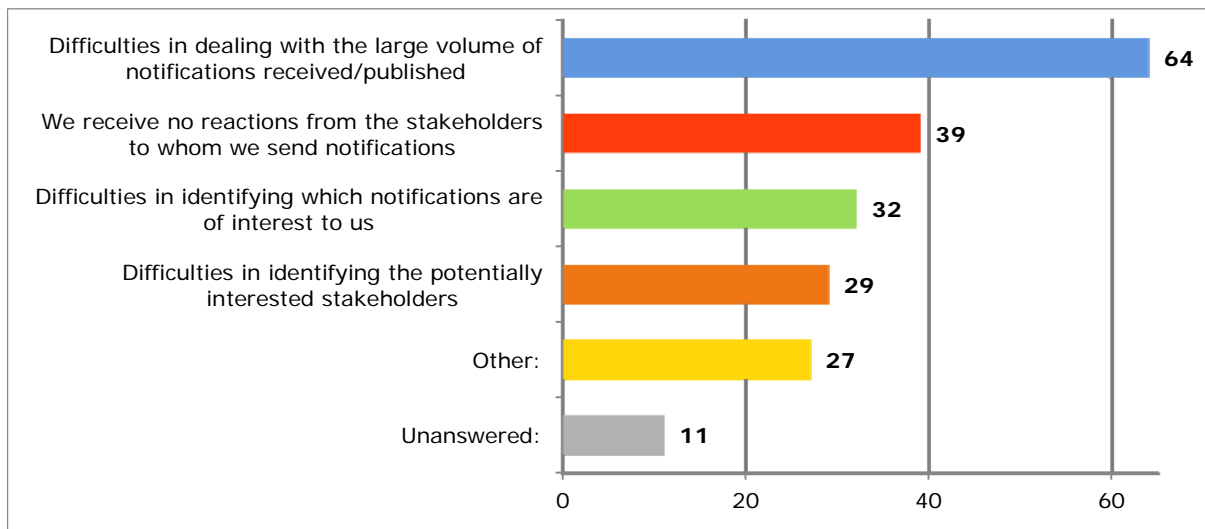
3.14. Among those who chose *Other,* various respondents mentioned the difficulty of identifying relevant stakeholders to whom notifications should be sent, due to a lack of clarity in the title and the description of the content, especially when appropriate keywords were missing. Given the volume of notifications received, missing titles or inadequate descriptions increased the difficulty of identifying the interested parties.

4.4. Do you use the SPS Information Management System (SPS IMS) to search for other SPS documents, specific trade concerns, or addresses of NNAs and NEPs?
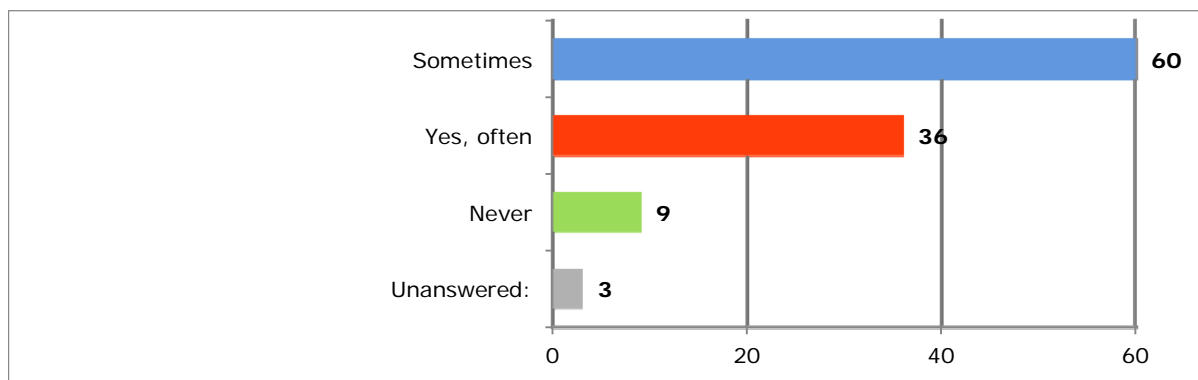

4.5. What are your specific suggestions with regard to modernizing/improving the SPS Information management System (SPS IMS)?

3.15. Respondents submitted 54 suggestions on how to improve the SPS IMS. The issues most frequently identified by respondents are: the need for a simplified, more user-friendly interface; direct linkages between a given notification and publicly available comments to it; the creation of a publicly available alert system; a more "intelligent" search engine that would identify documents even if the words entered were not exact; and the addition of keywords and search terms. Around ten respondents also highlighted the need for capacity building and training in this area.

5 REGULATORY DIALOGUE

5.1. Are you, in general, satisfied with the availability of information from your trading partners with regard to their SPS regulations currently in force?
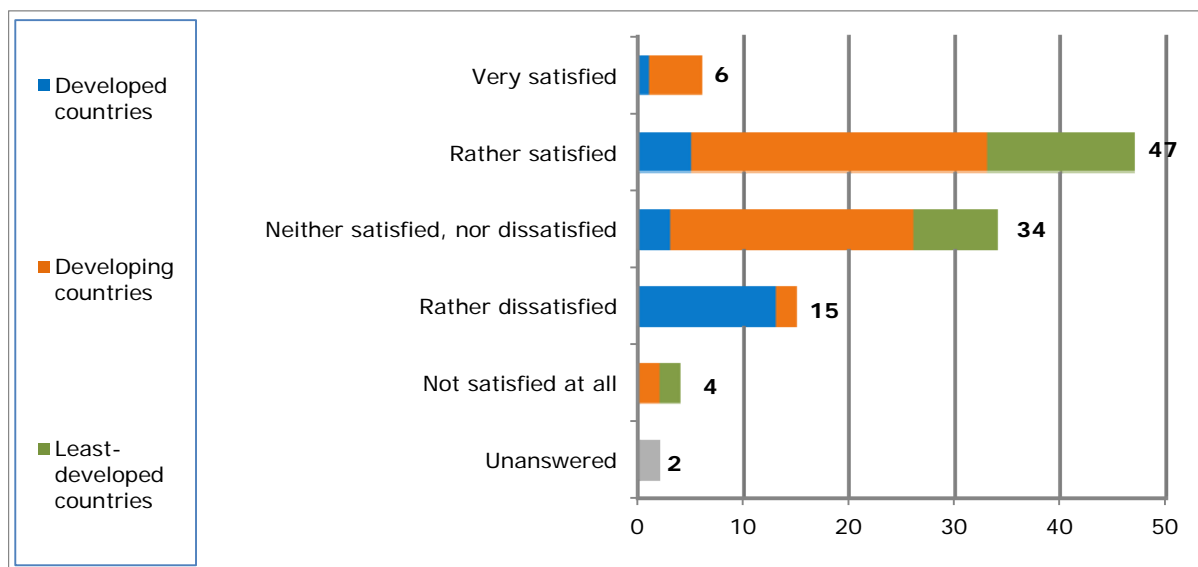
3.16. Of all respondents, 50% expressed their satisfaction with the availability of information with regard to SPS regulations currently in force in their trading partners, by indicating that they were very or rather satisfied. 18% expressed dissatisfaction (by choosing rather dissatisfied or not satisfied at all) and the remaining 32% remained neutral. Once more, there seems to be a correlation between Members' development status and their level of satisfaction.

5.2. Is there, in your country, a dedicated website where all SPS regulations currently in force are available to the public?
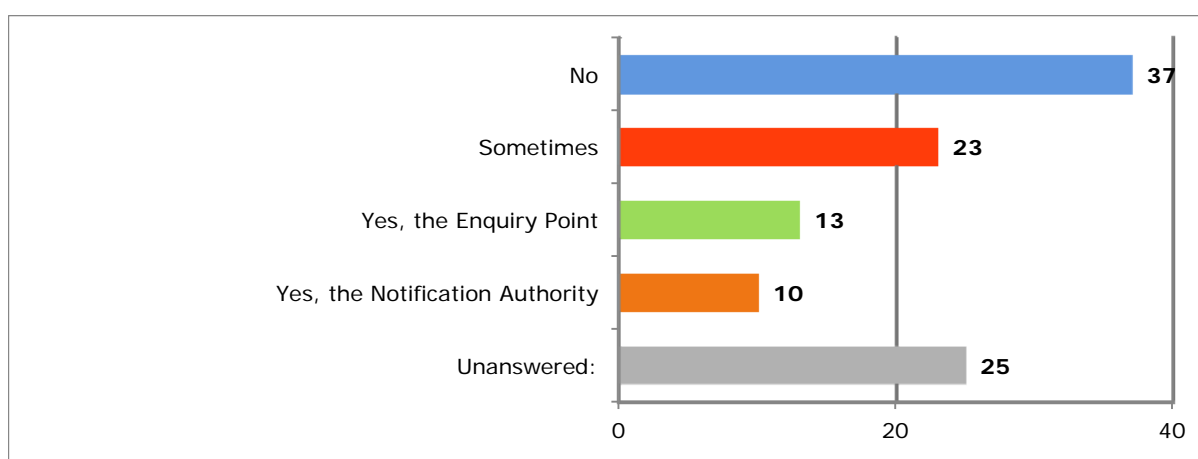
No — 65
Yes — 43

(scale: 0, 20, 40, 60)
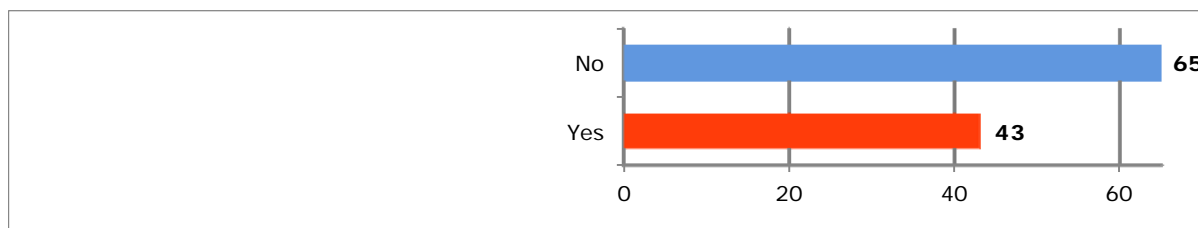
If not, would it be possible to make them available on such a website?

It would be difficult to set up and maintain a website — 38
Yes — 24
It would be difficult to find all the relevant texts — 9
Other — 16
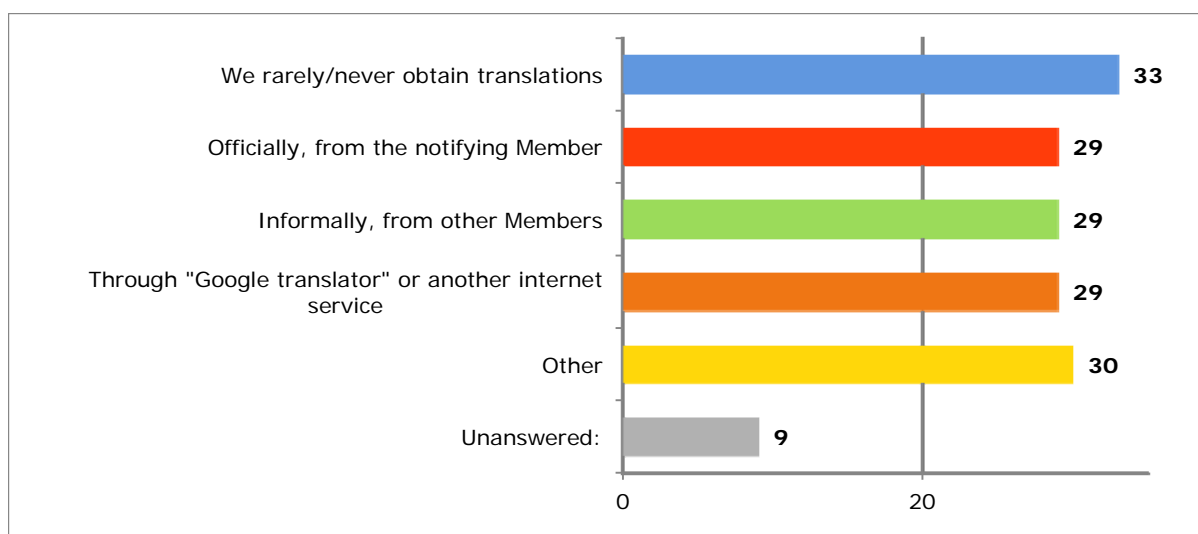Unanswered: — 44

(scale: 0, 20, 40)
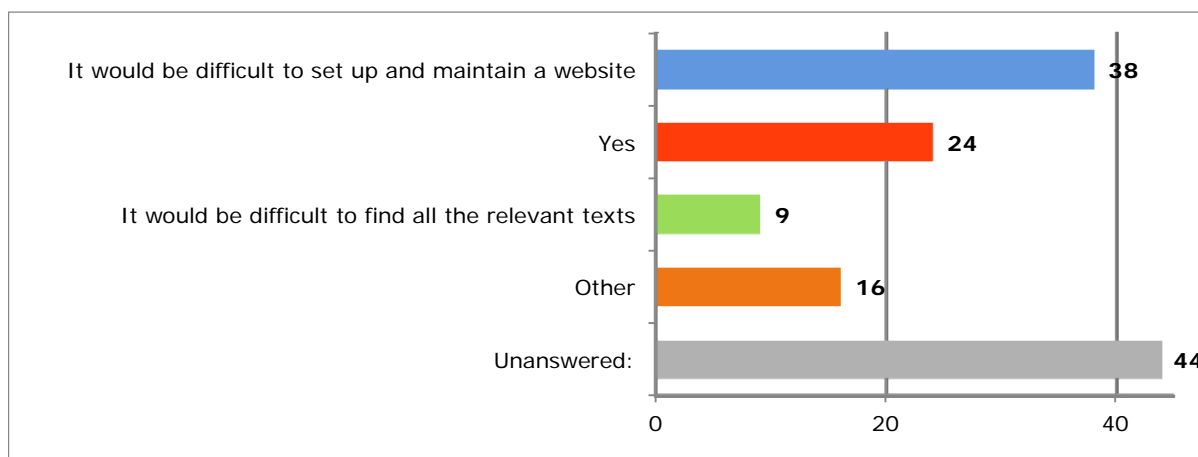
3.17. The majority of respondents choosing *Other* reported that their SPS regulations are available online, but they are to be found on several different websites because several ministries, institutions and stakeholders are involved. A couple of respondents indicated that they were in the process of creating an integrated dedicated website for such regulations.

5.3. In case your government's official language is not one of the WTO's working languages (English, French and Spanish), is the NEP/NNA able to provide translations of the documents or, in case of voluminous documents, of summaries of the documents, in one of these languages? If not, why?

No — 37
Sometimes — 23
Yes, the Enquiry Point — 13
Yes, the Notification Authority — 10
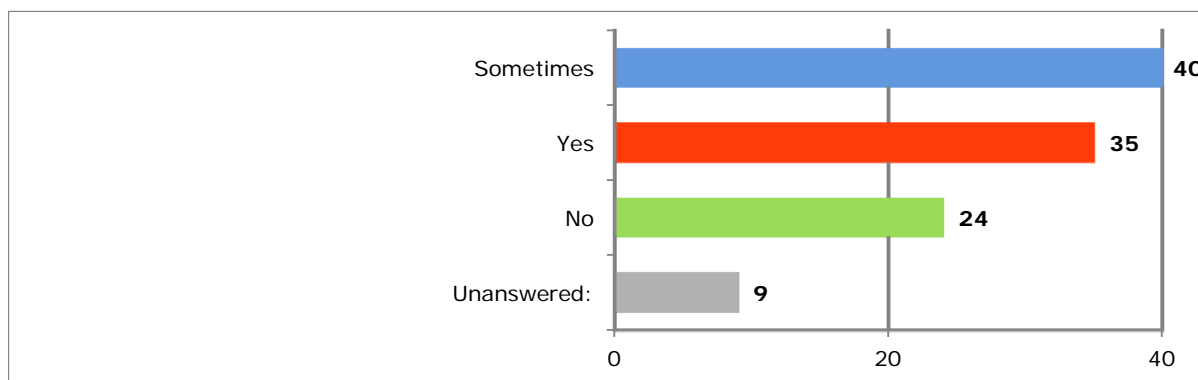Unanswered: — 25

(scale: 0, 20, 40)

3.18. Among those indicating their inability to provide translation of documents, 18 respondents noted that the question did not apply to them, since their national language was one of the WTO's working languages. The remaining nine respondents referred to lack of capacity, or of human and financial resources.

5.4. How do you usually obtain translations of other Members' notified SPS regulations?

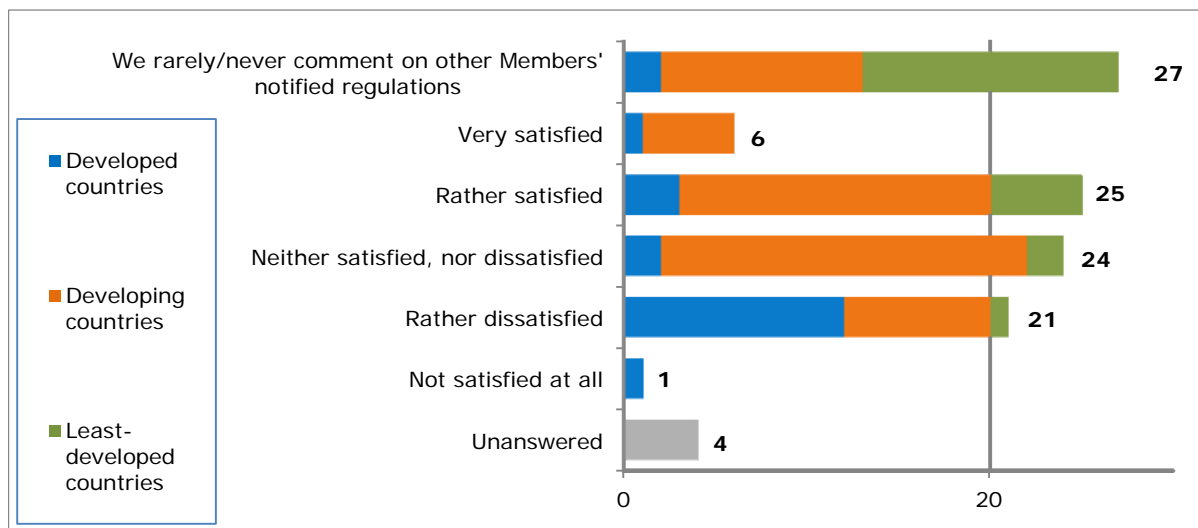|	
We rarely/never obtain translations	**33**
Officially, from the notifying Member	**29**
Informally, from other Members	**29**
Through "Google translator" or another internet service	**29**
Other	**30**
Unanswered:	**9**

3.19. Only nine out of the 30 respondents choosing *Other* further explained how they usually obtain translations. Five of them are EU member States reporting that they rely on the European Union for translations.

5.5. Do you usually encounter difficulties in obtaining translations of other Members' notified SPS regulations?

Sometimes	**40**
Yes	**35**
No	**24**
Unanswered:	**9**

5.6. How satisfied are you with the handling of your comments on other Members' notified regulations?

Legend:
- Developed countries
- Developing countries
- Least-developed countries

We rarely/never comment on other Members' notified regulations	**27**
Very satisfied	**6**
Rather satisfied	**25**
Neither satisfied, nor dissatisfied	**24**
Rather dissatisfied	**21**
Not satisfied at all	**1**
Unanswered	**4**

3.20. Once more, the satisfaction level shows correlation with Members' development status. However, there is no clear overall trend. Almost 30% of the respondents expressed satisfaction by choosing very or rather satisfied; 23% indicated that they were neither satisfied, nor dissatisfied; and 21% indicated the two lowest choices of satisfaction. Another 26% indicated that they had rarely or never commented on other Members' notified regulations.

5.7. What problems do you encounter, if any?
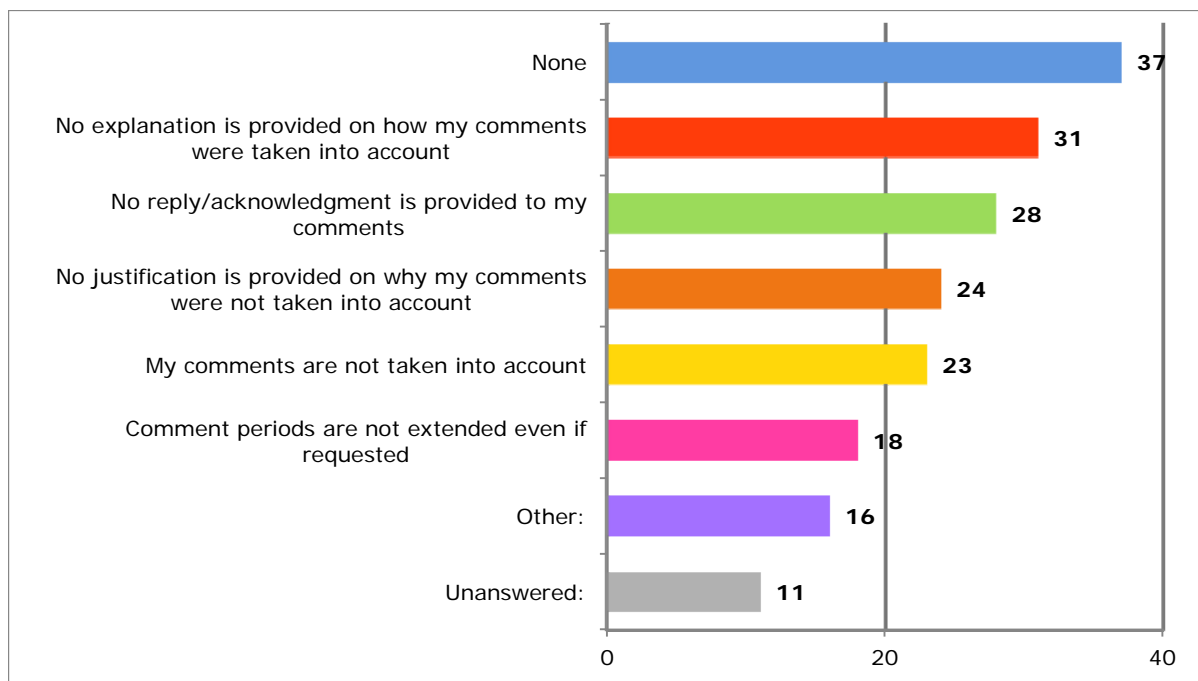
3.21. Half of the respondents choosing *Other* indicated that the question was not applicable; while the other half identified three main issues: the inconsistency of the replies to the comments; the impossibility to take comments into account since measures were notified when it was already too late to amend them; and language issues, when the notifying Member and the Member commenting on the notification do not share a common language.

6 RECOMMENDED PROCEDURES FOR IMPLEMENTING THE TRANSPARENCY OBLIGATIONS OF THE SPS AGREEMENT (G/SPS/7/REV.3)

6.1. Do you find the Recommended Transparency Procedures (G/SPS/7/Rev.3) useful?
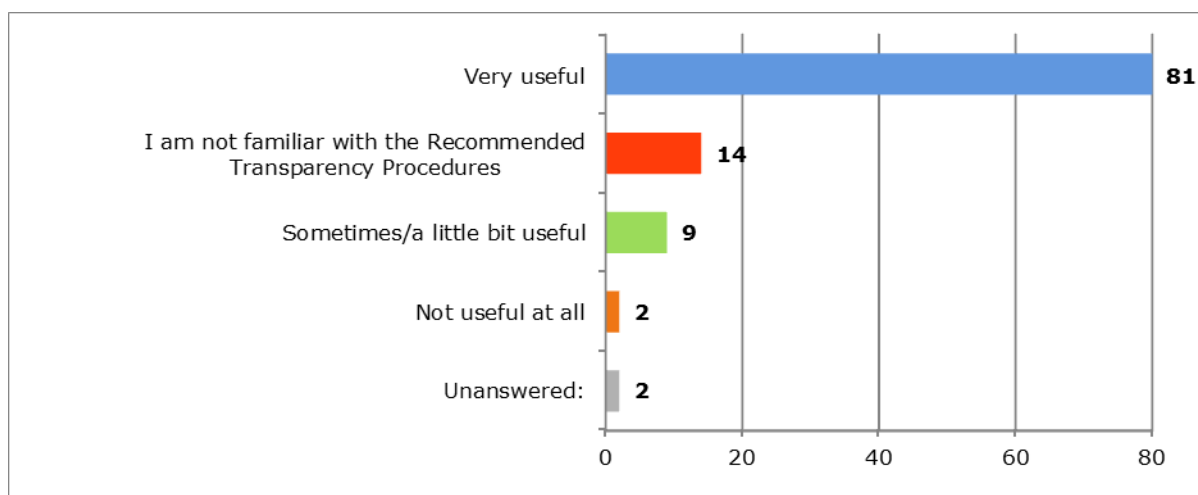
3.22. 76% of respondents considered the Recommended Transparency Procedures useful. For more details on individual opinions of Members, please refer to the written comments in the online version of the analysis to the responses to the questionnaire at the following link: http://goo.gl/ZmemfC.

6.2. Which parts of the Recommended Transparency Procedures (G/SPS/7/Rev.3) do you find the most useful?

3.23. 69 respondents provided comments under this question. Approximately half of them indicated that the document as a whole was very useful. Many attached special importance to the chapter on "Recommended Notification Procedures", and in particular to sections B (Timing of notifications), D (Providing documents related to a notification) and F (Addenda, revisions and corrigenda). Several comments also highlighted the usefulness of the templates included in Annexes A and B.

**And which parts are the least useful?**

3.24. Of the 40 respondents that replied to this question, 33 indicated that it would be difficult to identify least useful parts, since the whole document was very useful. The remaining comments identified the following parts as the least useful: Requesting for documents; Transparency procedure format; and Context of notification. One comment referred to the joint proposal for improvement of the transparency procedures by Chile, the European Union, Morocco and Norway (G/SPS/W/278), and another comment highlighted the need to clarify how to deal with notifications of emergency measures that eventually become permanent.

6.3. When notifying "trade facilitating" measures, no comment period has to be provided. Do you believe that more guidance is needed in G/SPS/7/Rev.3 to further define the term "trade facilitating"?
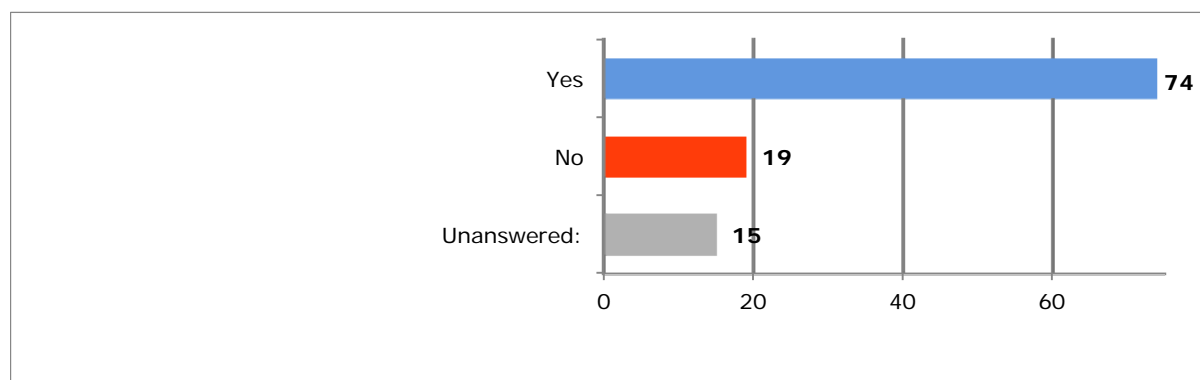
3.25. A majority of 80% of the respondents believe that more guidance is needed to further define the term "trade facilitating", and a few comments underlined the need for a common understanding of the term to ensure uniformity of use.

6.4. Are there any other sections of G/SPS/7/Rev.3 that should be clarified/revised? If yes, please specify.
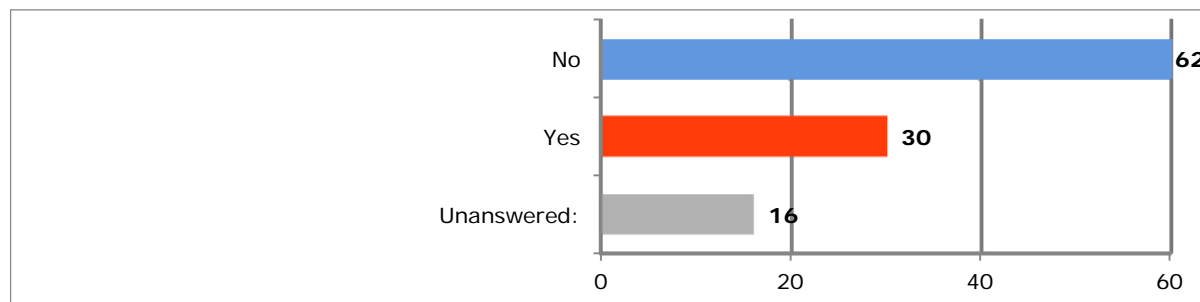

3.26. Ten EU member States that took the survey expressed their support for the joint proposal by Chile, the European Union, Morocco and Norway on how to further improve the Recommended Transparency Procedures (G/SPS/W/278). Other Members flagged the need to further clarify what

should be done when a notified measure is finally not adopted; what to do after notifying an emergency measure; and what should be done when a notified regulation is in a non-WTO language, among others.
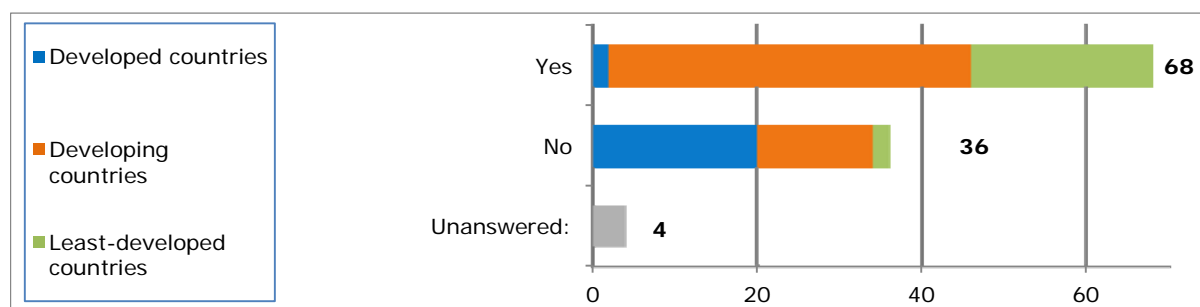
7 TECHNICAL ASSISTANCE

7.1. Would you be willing to provide technical assistance to Enquiry Points and/or to National Notification Authorities? If yes, in what form?
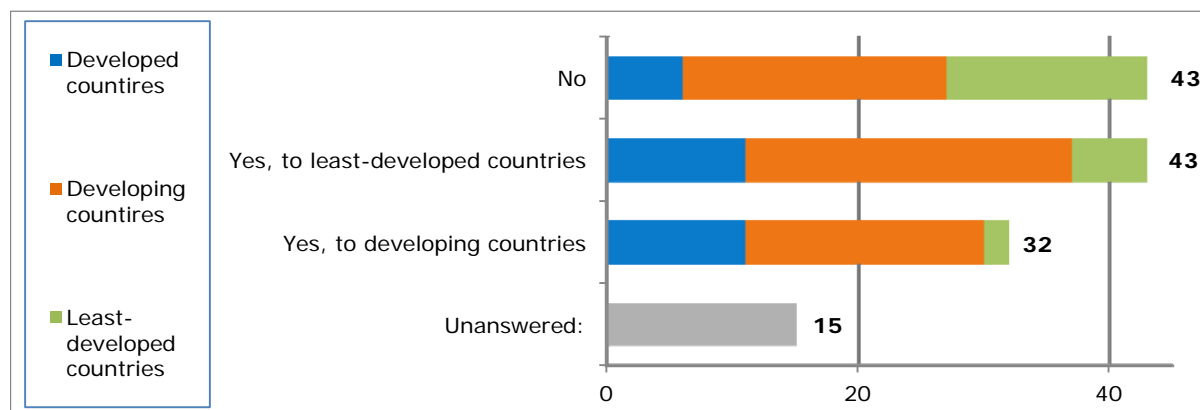
3.27. It is worth noting that five out of the six developed country Members indicating their non-willingness to provide technical assistance are Enquiry Points of EU member States, who delegate the provision of technical assistance to the European Union. The European Union itself indicated its willingness to provide technical assistance.

3.28. Respondents indicated their willingness to provide the following types of technical assistance (or to receive it, in some cases): exchange of information through special fora; sharing of experiences; online or on-site training; workshops by the Secretariat; traineeships; visits or study tours to the Enquiry Point and Notification Authority of the trainer country; and virtual mentoring by e-mails and by phone.

7.2. Do your NEP and/or NNA need technical assistance? If yes, please describe briefly the type of technical assistance you would need.

3.29. Regarding the type of technical assistance that Members would need, the examples most frequently identified by the respondents are: training courses; assistance in the creation of dedicated websites and alert mechanisms; laboratory infrastructures; and financial resources for computers and reliable internet connections.

7.3. Have you requested technical assistance for your NEP and/or NNA? Have you received technical assistance?
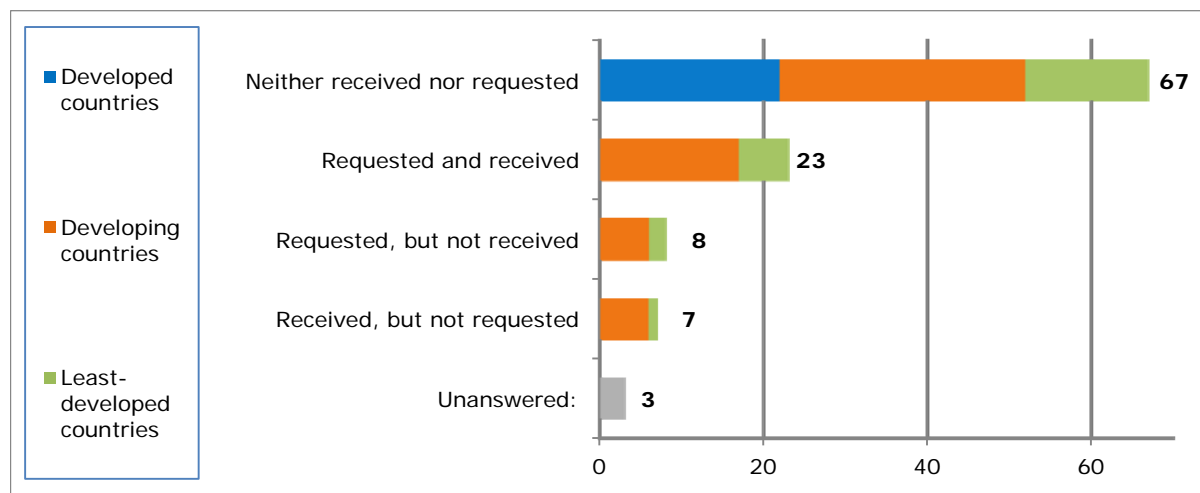
If you have received technical assistance for your NEP and/or NNA, was it useful? And why?

3.30. Members that received technical assistance reported to have found it very useful, as it improved their knowledge and their ability to do their job. Some respondents noted that due to constant turnover of government officials responsible for the SPS NNA and NEP, additional training was often needed.

8 FINAL COMMENTS

8.1. Do you have any other comments/suggestions with respect to transparency in the context of the SPS Agreement?

3.31. Comments to this final question were very diverse, ranging from the need for more technical assistance to specific suggestions for improvements and some new proposals. A full list of the comments can be found online, under section 8 of the analysis to the responses of the Transparency Questionnaire: http://goo.gl/ZmemfC.

ATTACHMENT

LIST OF RESPONDENTS TO THE QUESTIONNAIRE

1	Antigua and Barbuda	34	Honduras	67	Saint Vincent and the Grenadines
2	Argentina	35	Hong Kong, China	68	Samoa
3	Australia	36	Indonesia	69	Saudi Arabia, Kingdom of
4	Austria	37	Ireland	70	Senegal
5	Bahrain, Kingdom of	38	Israel	71	Singapore
6	Bangladesh	39	Jamaica	72	Slovak Republic
7	Belize	40	Japan	73	South Africa
8	Benin	41	Jordan	74	Spain
9	Brazil	42	Kenya	75	Sri Lanka
10	Bulgaria	43	Korea, Republic of	76	Sudan
11	Burkina Faso	44	Kyrgyz Republic	77	Swaziland
12	Burundi	45	Latvia	78	Sweden
13	Cabo Verde	46	Lesotho	79	Switzerland
14	Canada	47	Macao, China	80	Chinese Taipei
15	Chile	48	Madagascar	81	Tanzania
16	China	49	Malawi	82	Thailand
17	Colombia	50	Malaysia	83	The former Yugoslav Republic of Macedonia
18	Costa Rica	51	Mali	84	Tunisia
19	Côte d'Ivoire	52	Malta	85	Turkey
20	Croatia	53	Mauritius	86	Uganda
21	Cuba	54	Mexico	87	Ukraine
22	Czech Republic	55	Montenegro	88	United Arab Emirates
23	Dominican Republic	56	Myanmar	89	United States of America
24	Ecuador	57	Nepal	90	Uruguay
25	Egypt	58	New Zealand	91	Viet Nam
26	El Salvador	59	Nicaragua	92	Yemen
27	European Union	60	Nigeria	93	Zambia
28	France	61	Norway	94	Zimbabwe
29	The Gambia	62	Panama		
30	Germany	63	Peru		
31	Ghana	64	Philippines		
32	Guinea	65	Portugal		
33	Guyana	66	Saint Lucia		

_____