



Committee on Sanitary and Phytosanitary Measures

**OVERVIEW REGARDING THE LEVEL OF IMPLEMENTATION OF THE TRANSPARENCY
PROVISIONS OF THE SPS AGREEMENT**

NOTE BY THE SECRETARIAT¹

Revision

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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.

1 INTRODUCTION

1.1. Since the October 2007 Workshop on Transparency, the Secretariat has been requested to prepare an annual overview of the implementation of the transparency provisions of the SPS Agreement.² The document provides an overview regarding the level of implementation of the transparency obligations found in the SPS Agreement (Article 7 and Annex B) and of the Committee's Recommended Procedures for Implementing the Transparency Obligations of the SPS Agreement ([G/SPS/7/Rev.4](#)). It does not include information in areas where the Secretariat is not directly involved (such as provision of comments on specific notifications, publication of a notice of a regulation at an early stage, Members' response to requests for documents or other information and provision of comments to notifications, and taking into account of these comments by the notifying Member, among others).

1.2. In preparing this overview, the Secretariat has largely relied on the SPS Information Management System (SPS IMS).³ The SPS IMS is a specialized and detailed information source on SPS notifications, specific trade concerns, National Notification Authorities (NNAs) and National Enquiry Points (NEPs) contact information, and other SPS documents. It allows for advanced searches according to specific criteria and also facilitates the creation of custom reports and graphs, which can be shared with interested stakeholders. Most of the underlying data for the analysis contained in this document is publicly available and searchable through the SPS IMS. While some historical data on notifications dating back to 1995 has been retrieved from various internal sources and incorporated into the SPS IMS, some of the more detailed analysis has only been possible as of July 2007, when the SPS IMS became operational. An improved version of the SPS IMS was launched at the end of March 2017. This update, combined with streamlining internal processes in the Secretariat, has enabled data analysis to become more automatic than it has been for past reports.

1.3. The revised Recommended Procedures for Implementing the Transparency Obligations of the SPS Agreement ([G/SPS/7/Rev.3](#), hereafter the "Recommended Transparency Procedures") took effect on 1 December 2008. Compared to the earlier version of the transparency procedures, which had been adopted by the Committee in 2002, the 2008 transparency procedures included revised notification formats which aim to facilitate the provision of clearer and more specific information regarding new or modified SPS measures by Members, e.g. regarding conformity with international standards, comment periods, and the period between the publication and entry into force of new regulations. In June 2018, the Secretariat circulated an updated version of the Recommended Transparency Procedures as document [G/SPS/7/Rev.4](#). This revision does not include any substantive changes to the text. It includes updates in the notification templates as well as the notification format contained in the Decision on Special and Differential Treatment ([G/SPS/33/Rev.1](#)) to consolidate all notification recommendations into one document. It also incorporates updates based on changes in the online tools (SPS IMS, SPS NSS and ePing).

1.4. The SPS Notification Submission System (SPS NSS)⁴ is an online platform where WTO Members can directly complete and submit notifications. The system assists Members to be more precise in their notifications, and speeds up the processing of notifications, making documents accessible to the membership much more quickly. A new and improved version of the SPS NSS was launched at the end of March 2017 in conjunction with the previously-mentioned launch of the improved SPS IMS.⁵ An increased use of the SPS NSS will further improve the amount and the quality of information provided by Members in the various notification formats⁶, as well as the accuracy of the information available in the SPS IMS. Interested Members may request login names and access passwords for their NNAs from the Secretariat.⁷

² See [G/SPS/R/47](#), para. 44, for the recommendations arising from the 2007 Workshop on Transparency. See also footnote 4 of [G/SPS/7/Rev.4](#) requesting the Secretariat to provide an annual report on the level of implementation of the transparency provisions of the SPS Agreement and of the recommended transparency procedures.

³ <http://spsims.wto.org>.

⁴ <https://nss.wto.org/spsmembers>.

⁵ See para. 5.3. for more information.

⁶ All notification formats can be downloaded from <http://www.wto.org/spstransparency>.

⁷ Two different user names and passwords are provided (a *submitting* user name and a *secondary* user name). Only the submitting user name allows to officially submit the notification to the CRN, but the secondary user name allows other individuals to enter information and review the draft notification.

1.5. ePing⁸ is a publicly available notification alert system. It covers both SPS notifications and notifications submitted under the Agreement on Technical Barriers to Trade (TBT). Subscribers receive email alerts regarding SPS & TBT notifications covering particular products and/or markets of interest to them. In addition, users can search and share notifications, upload additional information and related documents, as well as participate in discussion forums. ePing also offers an Enquiry Point Management Tool to facilitate domestic as well as international information sharing and discussion. The system is expected to help public and private stakeholders, in particular small and medium enterprises, to track, consult and comment on measures that are being developed and adapt as necessary to changing regulatory conditions.

1.6. A practical manual on the operation of NNAs and NEPs, first circulated in 2011⁹, includes guidance for governments to facilitate the implementation of the transparency provisions of the SPS Agreement. While it may be especially useful for developing and least-developed countries (LDCs), it may also be a helpful reference for countries that are acceding to the WTO and establishing NNAs and NEPs, as well as WTO Members in general. This manual was revised in 2018 to reflect the new versions of the SPS IMS and NSS platforms and the ePing alert system, and to streamline the content. The updated version of the manual is available in English, French and Spanish on the SPS gateway of the WTO website.¹⁰ Hard copies can be requested from the Secretariat.

2 DESIGNATION OF NOTIFICATION AUTHORITIES AND ENQUIRY POINTS

2.1. Annex B, paragraph 10 of the SPS Agreement obliges Members to designate a single central government authority as responsible for the implementation of notification procedures. This agency is referred to as the SPS National Notification Authority. As of 15 September 2019, 159 WTO Members out of 164 had designated such an agency, two more than in the previous reporting period. The Members that have not designed Notification Authorities are all LDCs.¹¹

2.2. Annex B, paragraph 3 of the SPS Agreement requires that each Member establish an Enquiry Point responsible for the provision of answers to all reasonable questions and of relevant documents. As of 15 September 2019, 161 WTO Members out of 164 had provided the WTO with the contact information of their Enquiry Point. The same three Members as the two previous years, all LDCs, have not yet established an Enquiry Point. Thirty-four Members have identified more than one SPS Enquiry Point.

2.3. The most up-to-date information on Members' Notification Authorities and Enquiry Points can be accessed through the SPS IMS by clicking on Search → Enquiry Points/Notification Authorities on the top menu bar.¹² It can be useful to have at least two staff members trained in NNA/NEP operations as this allows for absences and commitments of staff to other duties, as recommended in the Practical Manual for NNAs/NEPs. Whenever possible, Members are encouraged to use an institutional email address rather than a personal one.

3 SUBMISSION OF NOTIFICATIONS

3.1. Under the SPS Agreement, notifications are used to inform other Members about new or changed regulations that may significantly affect trade. Annex B, paragraphs 5 to 8, as well as the Recommended Transparency Procedures, elaborate on the notification procedures Members are to follow. For ease of reference, the specific sub-topics highlighted below follow the order of items that are contained in the regular and emergency notification formats.

⁸ <http://www.epingalert.org>.

⁹ The original version of the manual was written by Ms Sally Jennings, Ministry for Primary Industries, New Zealand, with contributions by the Department of Agriculture and Forestry Biosecurity Australia and the WTO Secretariat.

¹⁰ Practical Manual for SPS National Notification Authorities and SPS National Enquiry Points can be downloaded from: <http://www.wto.org/spstransparency>.

¹¹ The categories of level of development rely on WTO working definitions as identified in the WTO's Integrated Database (IDB) for analytical purposes (idb@wto.org). They can be consulted through the SPS IMS by clicking on "definitions of groups" on the top menu bar.

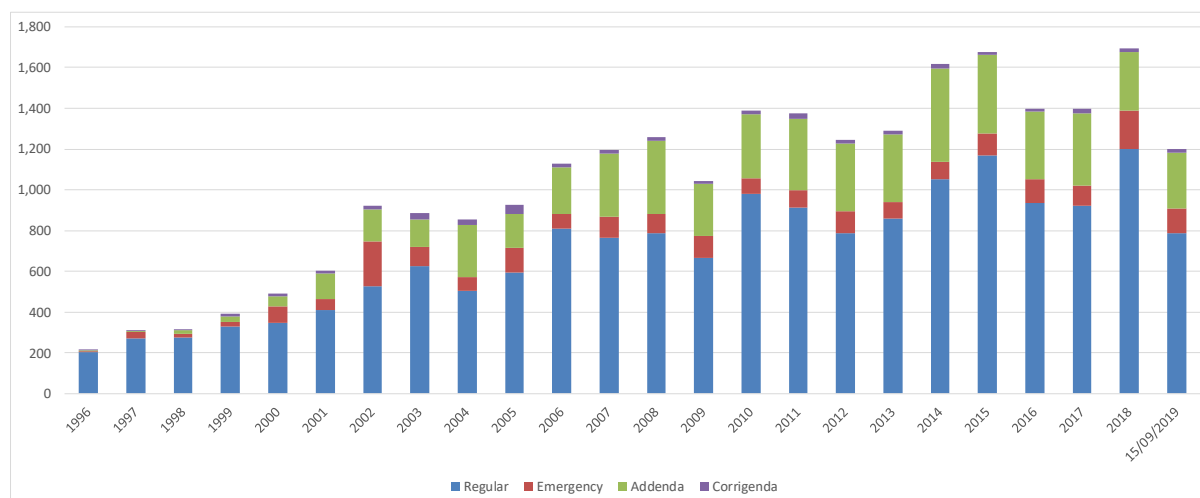
¹² <http://spsims.wto.org/en/EnquiryPointsNotificationAuthorities/Search>.

3.1 Types of notifications

3.2. The two main types of notifications are regular notifications and emergency notifications. In addition, addenda, corrigenda, revisions or supplements can be issued subsequent to an original regular or emergency notification.¹³ An addendum is used to provide additional information or changes to an original notification, for example if the products covered by the proposed regulation have been modified, if the comment period has been extended, or if a notified measure has entered into force. A corrigendum is used to correct an error in an original notification such as an incorrect address detail. A revision is used to replace an existing notification, for example if a notified draft regulation was substantially redrafted or if a notification contained a large number of errors.

3.3. Chart 1 shows the number of regular and emergency notifications (including addenda and corrigenda) submitted per year since 1995. As of 15 September 2019, Members had submitted¹⁴ 16,925 regular notifications, 2,210 emergency notifications, 5,535 addenda and 432 corrigenda, reaching a grand total of 25,102 notifications. Despite punctual decreases some years, the global trend shows an annual increase of the total number of notifications submitted per year. In 2018, the combined number of regular and emergency notifications reached a new high of 1,323. During the current reporting period (1 January through 15 September 2019), Members submitted a total of 1,144 notifications, of which 789 were regular notifications, 69 emergency notifications, 273 addenda (including 257 to regular and 16 to emergency notifications) and 13 corrigenda (including 12 to regular and 1 to emergency notifications). Compared to the same period in the previous year¹⁵, there was a slight decrease in the number of both regular, 98 (11%) less, and emergency, 15 (18%) less. Interestingly, the overall number of addenda submitted in the same period rose from 210 to 273 (30% increase); however, this overall figure hides a sharp increase in the number of addenda to regular notifications provided (89 more, representing an increase of 65%) and a sharp decrease in the number of emergency addenda (26 less, representing a decrease of 62%).

Chart 1 – Regular and emergency notifications, addenda and corrigenda for both types, submitted per year



3.4. In June 2002, the SPS Committee adopted a special format and recommended procedures for the notification of determination of the recognition of equivalence of sanitary or phytosanitary measures. As of 15 September 2019, there have only been three equivalence notifications circulated from Panama (2007), the Dominican Republic (2008), and the United States (2019). The most recent notification was submitted following the two-part Thematic Session on Equivalence held in October 2018 and March 2019 within the framework of the Fifth Review.¹⁶

¹³ See the Recommended Transparency Procedures ([G/SPS/7/Rev.4](#)) for further elaboration on the different types of notifications.

¹⁴ For this Note, submission refers to the date of distribution of the notification by the Secretariat.

¹⁵ 1 January through 15 September 2018.

¹⁶ The programmes of parts 1 and 2 of the Thematic Session are contained in [G/SPS/GEN/1640/Rev.1](#) and [G/SPS/GEN/1675/Rev.1](#), respectively, and the reports in [G/SPS/R/93](#) and [G/SPS/R/94](#). Presentations of both sessions are available at: https://www.wto.org/english/tratop_e/sps_e/events_e.htm.

3.5. In April 2004, the Secretariat established a mechanism for Members to inform each other of the availability of unofficial translations of notified SPS measures into one of the official languages of the WTO. These are submitted in the form of supplements to the original notification. As of 15 September 2019, 19 supplement notifications had been circulated. None have been submitted since 2015. The availability of translations is regularly discussed in the SPS Committee under transparency-related matters.¹⁷ It is interesting to note that the identical mechanism for sharing translations of notified TBT regulations, which was launched in January 2008, has resulted in 251 supplement notifications, the last one in 2016.

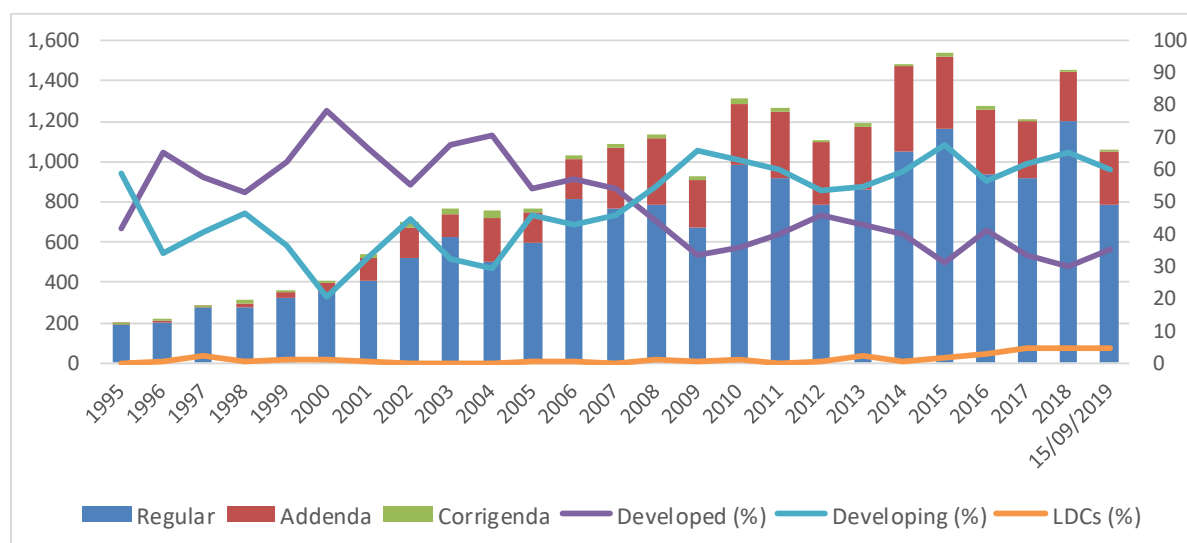
3.6. In October 2004, the SPS Committee adopted a procedure to enhance transparency of special and differential treatment (S&D) in favour of developing country Members, which included an addendum notification format to inform the Committee on a Member's decision on whether and how S&D may be provided in reference to a specific request. The procedure and addendum notification format were subsequently revised in December 2009¹⁸, and, as mentioned earlier, the notification format was incorporated in [G/SPS/7/Rev.4](#) for ease of reference. No S&D notifications have been circulated by WTO Members since 2004.

3.2 Notifying Members

3.7. As of 15 September 2019, 128 Members out of 164 (78%) had submitted at least one notification to the WTO. Members which have not yet submitted any notification include 12 developing countries and 15 LDCs. In addition, a number of EU member States have not submitted notifications; however, most SPS measures are notified by the European Union on behalf of all its member States.¹⁹

3.8. Charts 2 and 3 show the number of regular and emergency notifications, respectively, and the percentage of notifications by Members' development status. Both for regular and emergency notifications, we can observe an increase in the percentage submitted by developing country Members and a decrease in the case of developed country Members, which is much sharper for emergency than for regular notifications. Chart 2 shows that the share of regular notifications submitted by developing countries has been raising since 2000 and, since 2008, is higher than that of regular notifications submitted by developed countries. The share of notifications from LDCs is very low, fluctuating between 0% and a peak of 4.9% reached in 2017. It has remained at that level since then. Chart 3 shows that the percentage of emergency notifications submitted by developing countries has been greater than 50% since 2002. Furthermore, the difference in percentage is much larger than in the case of regular notifications.

Chart 2 – Number of regular notifications and percentage by development status

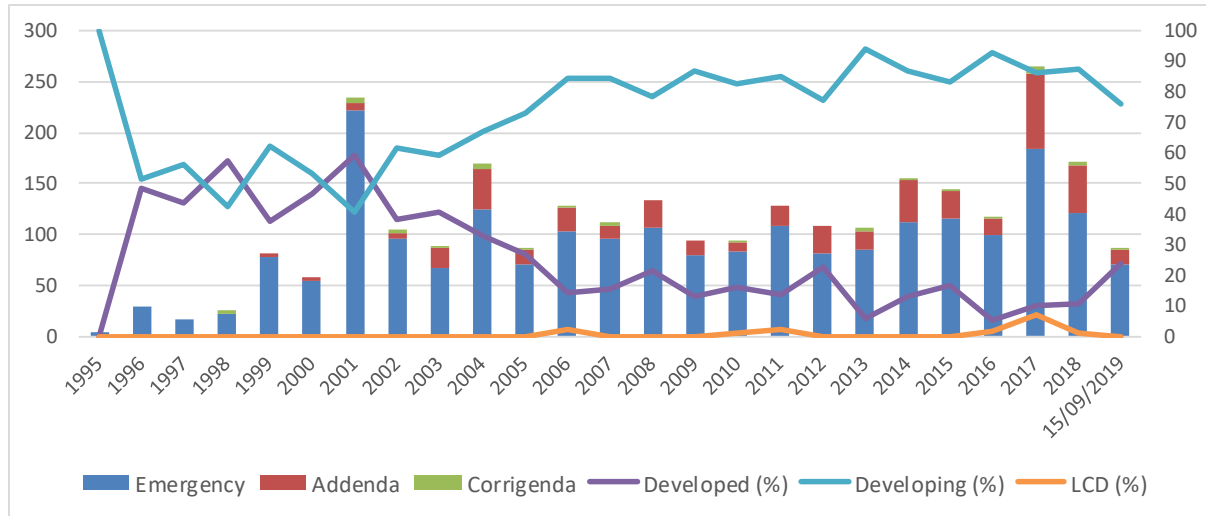


¹⁷ See for example the reports of the Fourth Review and the 2017 Workshop on Transparency in [G/SPS/62](#) and [G/SPS/R/89](#), respectively.

¹⁸ See [G/SPS/33/Rev.1](#).

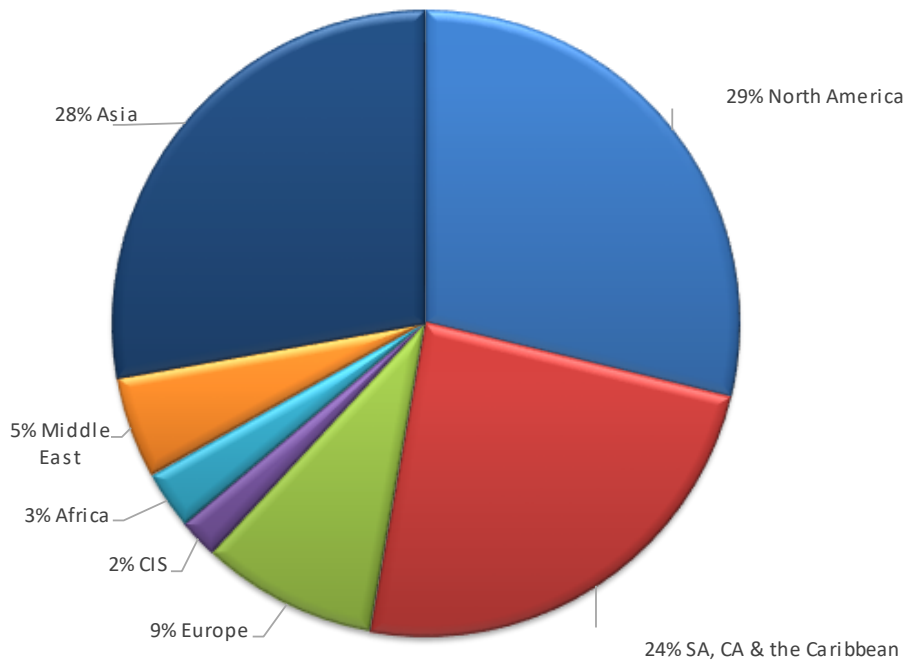
¹⁹ See [G/SPS/GEN/456](#) for notification procedures for the European Union and its member States.

Chart 3 – Number of emergency notifications and percentage by development status



3.9. Looking at the geographic regions from which the notifications submitted since the year 1995 originate, Chart 4 shows that the majority of notifications come from the North America region, followed by Asia, and then South and Central America and the Caribbean.²⁰ Overall, this trend is maintained throughout the years.

Chart 4 – Notifications by geographical region from 1995 to 15 September 2019



3.10. The Members which have submitted the greatest number of notifications (regular and emergency) as of 15 September 2019 are listed in Charts 5 and 6, while the Members that have submitted the greatest number of notifications in the current reporting period (1 January through 15 September 2019) are listed in Charts 7 and 8. In all four charts, bars show the number of notifications by type and values above the bars represent the corresponding percentage with respect to the total number of notifications (regular, Charts 5 and 7, and emergency, Charts 6 and 8) submitted.

²⁰ The geographical groupings used rely on WTO working definitions as identified in the Integrated Database (IDB) for analytical purposes (jdb@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 top menu bar.

Chart 5 - Ten Members which have submitted the most regular notifications since 1995

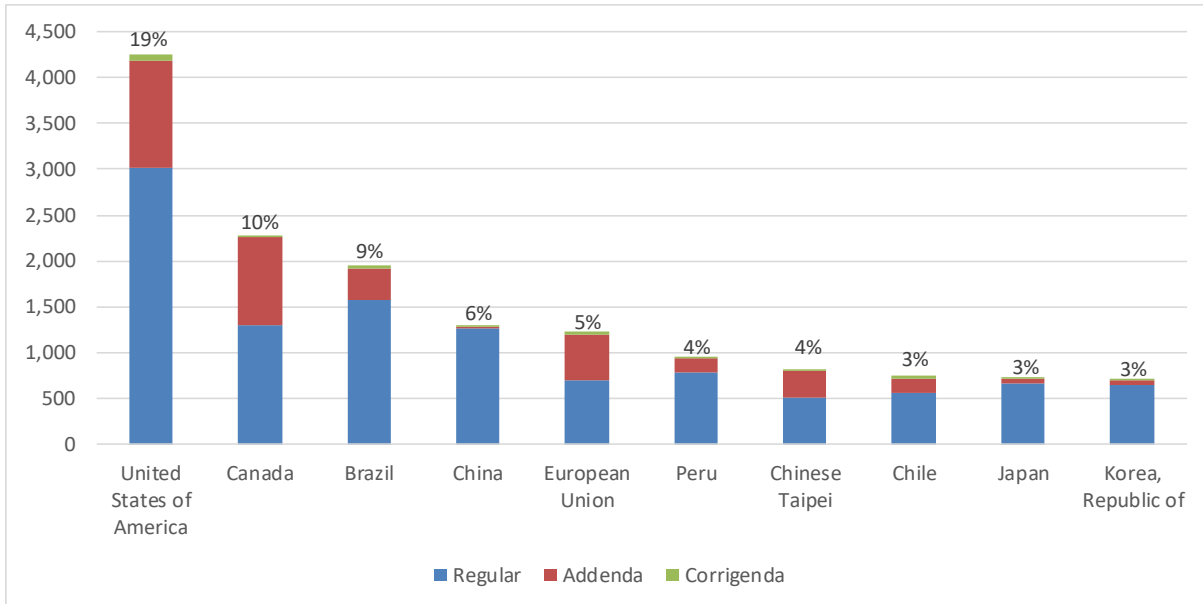


Chart 6 - Ten Members which have submitted the most emergency notifications since 1995

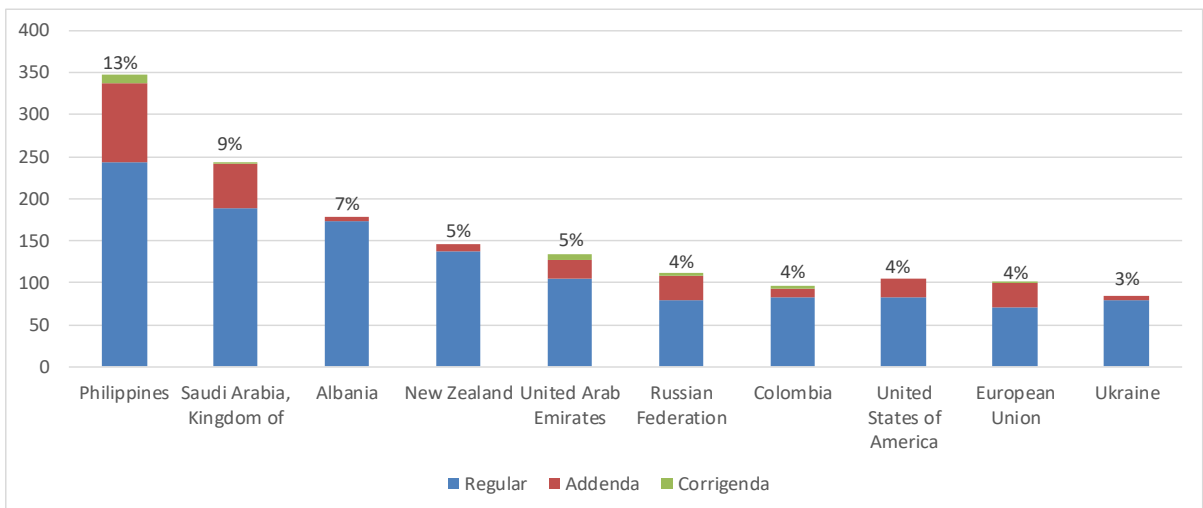


Chart 7 - Members which have submitted the most regular notifications between 1 January and 15 September 2019

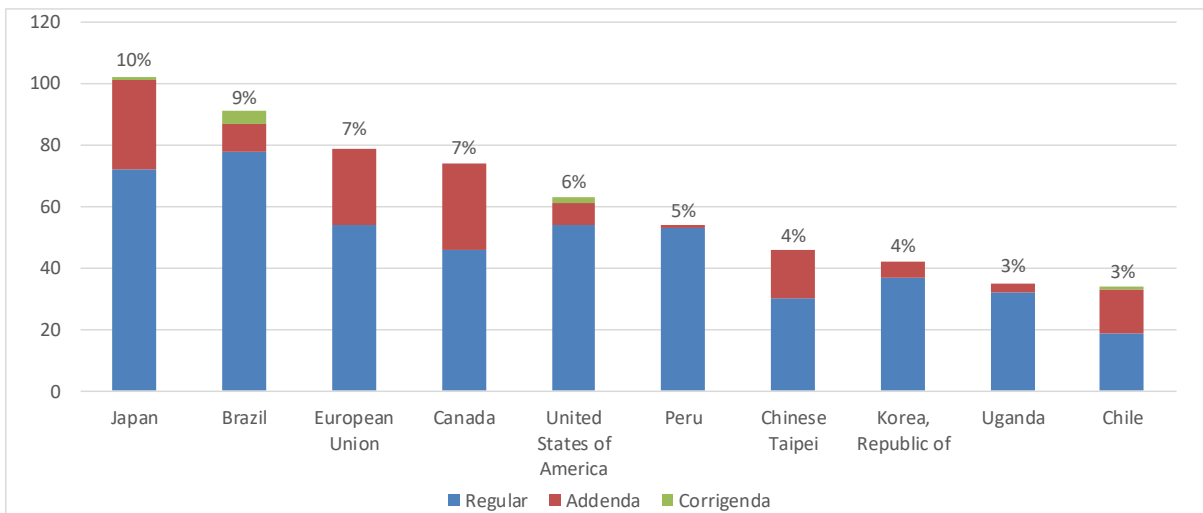
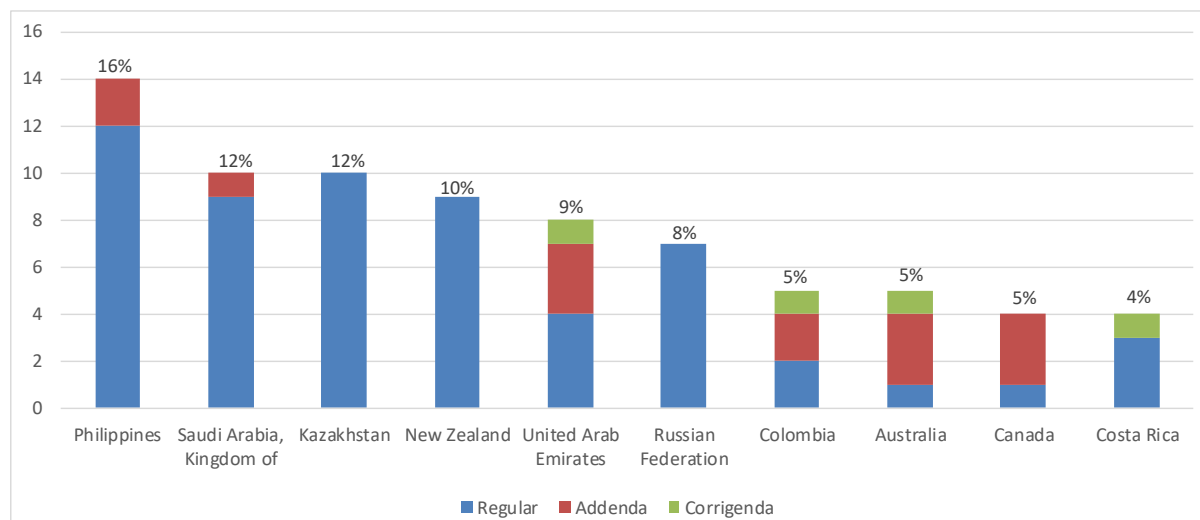


Chart 8 - Members which have submitted the most emergency notifications between 1 January and 15 September 2019



3.11. Regarding regular notifications submitted until 15 September 2019, one Member among the top 10 notifying Members in 2019 (Chart 7) does not appear among the top notifying Members for the period since 1995 (Chart 5), suggesting that it notified at a level above their historical trend. For emergency notifications, interestingly, with the exception of one Member, the top six notifying Members remain the same in 2019 as compared to the period since 1995 (Charts 8 and 6 respectively).

3.3 Products covered

3.12. In accordance with paragraphs 5 and 6 of Annex B of the SPS Agreement and the Recommended Transparency Procedures, Members are required to identify the products to be covered by a new or changed SPS measure and should provide the relevant HS codes. Most Members have indicated they would welcome the provision of these codes by their trading partners.²¹ However, identifying relevant HS codes is one of the main difficulties encountered by Members when filling in a notification according to the latest questionnaire on transparency.²²

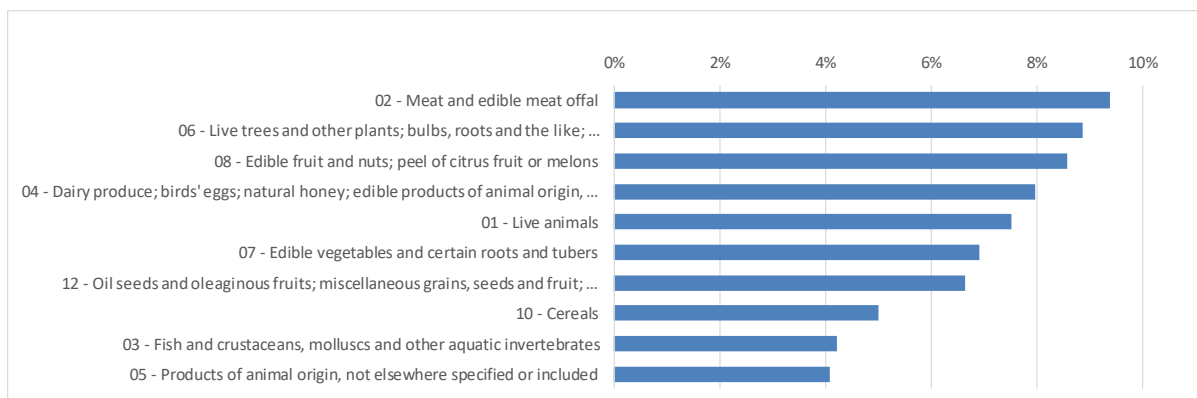
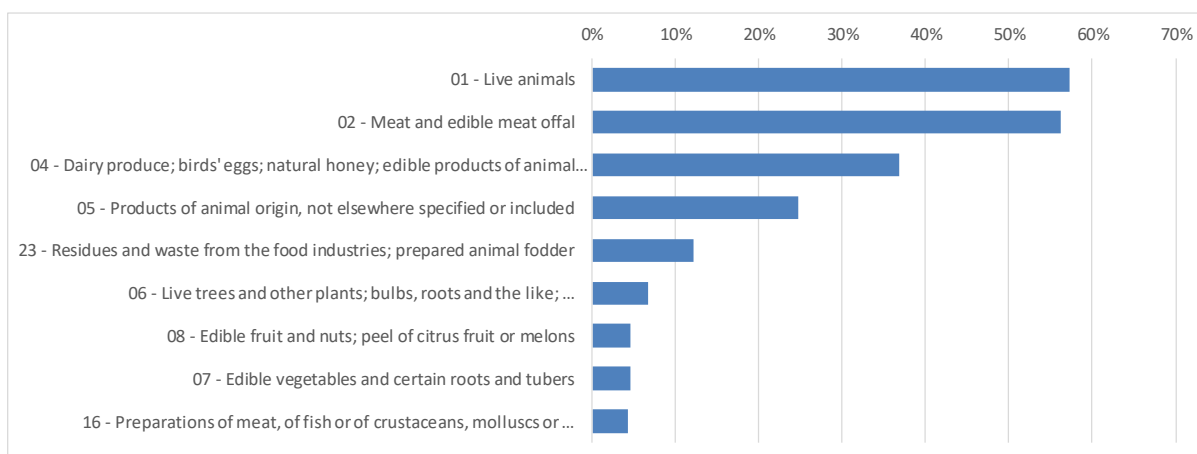
3.13. Since 1995 the WTO's Central Registry of Notifications (CRN) has been assigning, to the extent possible, the relevant HS codes for all notifications where these are not provided by the Member.²³ The SPS NSS also facilitates the inclusion of HS (and ICS) codes by submitting Members through a built-in search function, providing more accurate information.

3.14. While only indicative, Charts 9 and 10 show the products at the two-digit HS codes level that are most often covered by regular and emergency notifications since 1995. Note that only HS codes referred to in 4% of notifications or more are represented, and that some code descriptions have been shortened for graphic reasons.

²¹ See the Analysis of Replies to the Questionnaire on the Operation of Enquiry Points and National Notification Authorities, ([G/SPS/GEN/751/Rev.1](#), paras. 11 and 18) for further elaboration on this point.

²² See the Analysis of Replies to the Questionnaire on Transparency under the SPS Agreement, ([G/SPS/GEN/1402](#), para. 2.1) for further elaboration on this point.

²³ This information is available in the SPS IMS (<http://spsims.wto.org>).

Chart 9 - HS Codes assigned to regular notifications**Chart 10 - HS Codes assigned to emergency notifications**

3.15. It is interesting to note that, while regular notifications refer to a larger variety of HS codes in similarly high percentages, emergency notifications mainly refer to animal-related HS codes in higher percentages, confirming results shown in Chart 11 related to the objective of notifications (see below).

3.4 Regions/countries affected

3.16. The Recommended Transparency Procedures call on Members to identify the regions or countries which are most likely to be affected by the measure being notified. They include a data entry option for this item whereby Members are invited to either select the checkbox for "all trading partners" or provide information on specific regions or countries likely to be affected.

3.17. An assessment of notifications submitted in the period between 1 January and 15 September 2019 indicates that 170 regular notifications (22%) have identified a specific group of countries or a region, while 619 regular notifications (78%) have identified "all trading partners" being affected (by selecting the checkbox for "all trading partners"). In contrast, 51 emergency notifications (74%) have identified a specific group of countries or a region, and only 18 emergency notifications (26%) indicate "all trading partners". This reflects the fact that emergency actions are frequently taken in response to disease outbreaks in specific countries, territories, or regions.

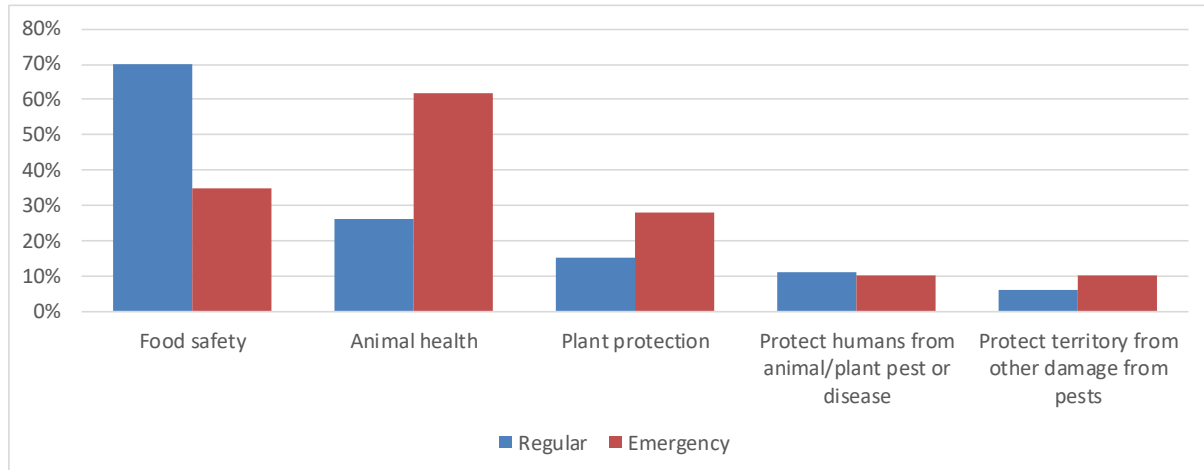
3.5 Objective and rationale

3.18. In accordance with paragraphs 5 and 6 of Annex B of the SPS Agreement and the Recommended Transparency Procedures, Members are also required to state the objective and rationale of proposed regulations by selecting one of the following five options: food safety, animal health, plant protection, protect humans from animal/plant pest or disease, and protect territory from other damage from pests. These objectives correspond to the definition of an SPS measure in Annex A, paragraph 1 of the SPS Agreement.

3.19. Chart 11 indicates the share of each objective as cited in regular and emergency notifications. It must be noted, however, that many notifications identify more than one objective. Therefore, the Chart below refers to the percentage of times the specific objective was assigned regardless of whether the notifications identified multiple objectives.

3.20. For regular notifications the most frequently cited objective is food safety, followed by animal health and plant protection, while for emergency notifications it is animal health, followed by food safety and plant protection.

Chart 11 - Objectives of notified SPS measures (excluding addenda and corrigenda) in the period between 1 January and 15 September 2019



3.5.1 Relationship between the objective of the measure and the regions/countries affected

3.21. The following Charts 12 to 15 represent the objectives of regular and emergency notifications in relation to affected trading partners (i.e., all trading partners likely to be affected vs specific regions/countries likely to be affected). Note that these data are only available since 2008, when revised notification formats were adopted (that year was excluded due to the low utilisation of this checkbox). Also note that, in all cases except for regular notifications affecting all trading partners, the number of notifications affecting specific regions/countries is relatively low, especially in the case of emergency notifications affecting all trading partners.

3.22. In the case of regular notifications (Charts 12 and 13) there is a striking difference between the objective most frequently identified in relation to the affected trading partners. Food safety is the most frequently identified objective in measures affecting all trading partners while plant health is the most frequent objective in measures affecting specific regions/countries.

Chart 12 - Objectives of regular notifications affecting all trading partners

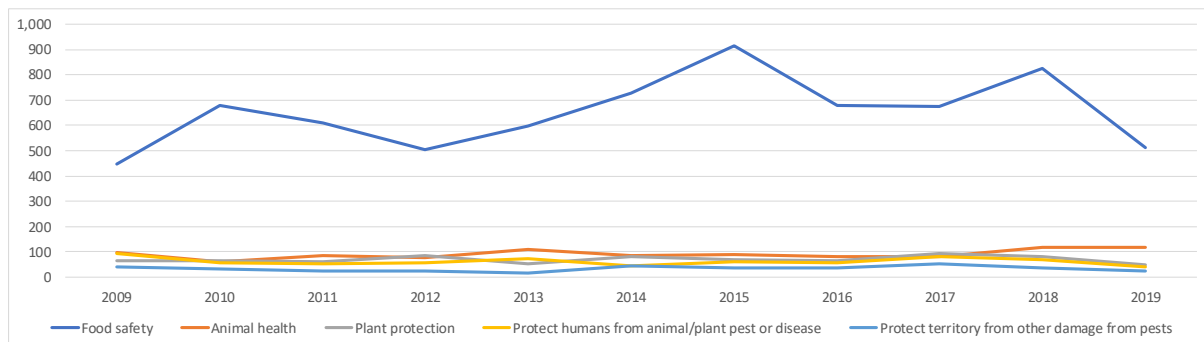
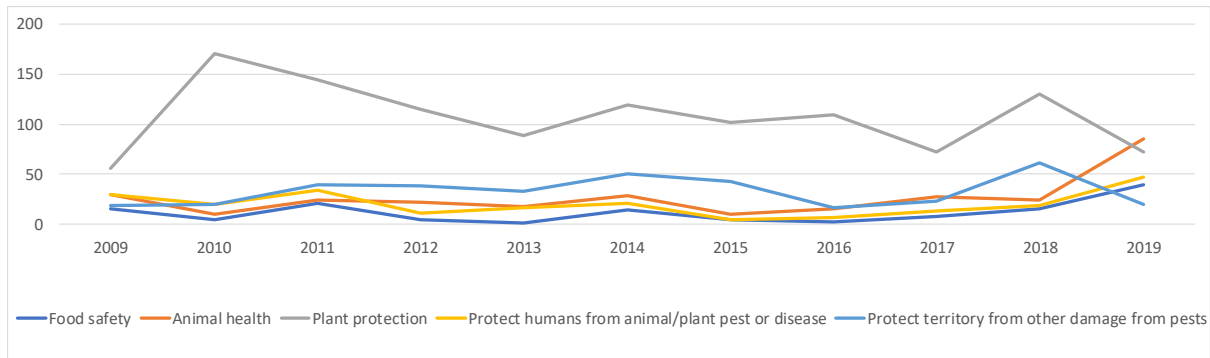
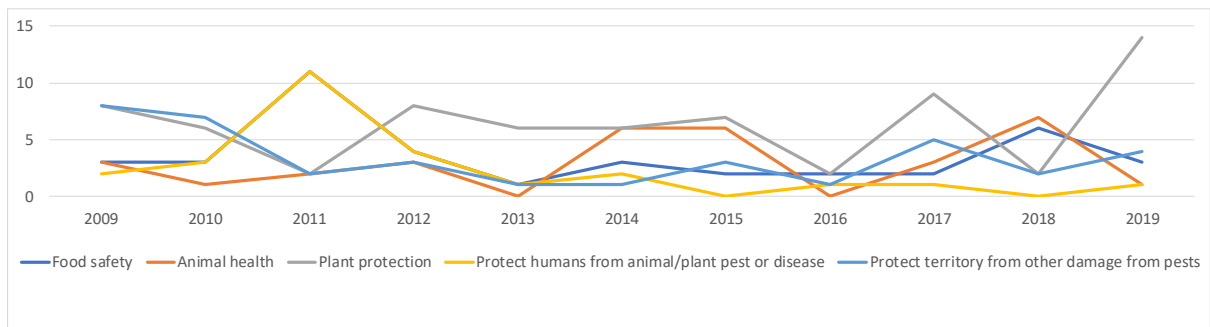
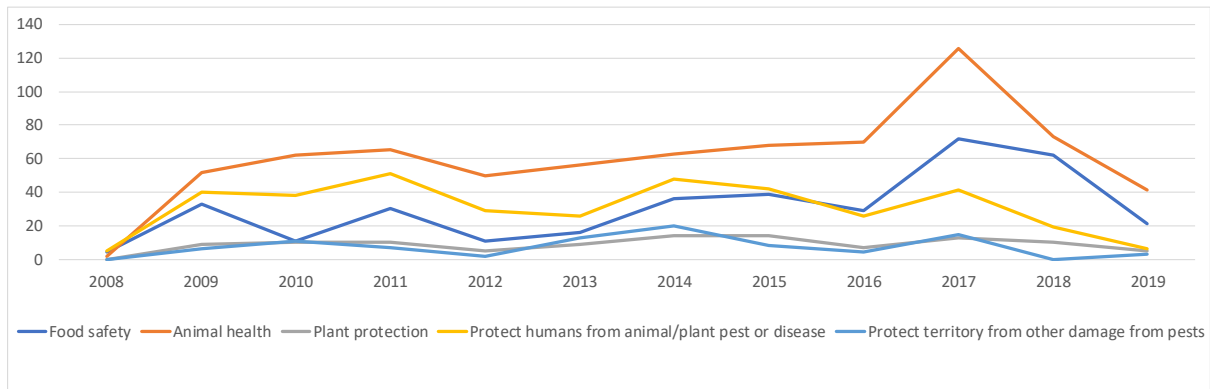


Chart 13 - Objectives of regular notifications affecting specific regions/countries

3.23. Results related to emergency notifications (Charts 14 and 15) do not show a clear pattern in the case of notifications affecting all trading partners whereas, in the case of emergency notifications affecting specific regions/countries, animal health, followed by protection of humans from animal/plant pest or disease and food safety are the main objectives cited by notifications.

Chart 14 - Objectives of emergency notifications affecting all trading partners**Chart 15 - Objectives of emergency notifications affecting specific regions/countries**

3.6 International standards, guidelines or recommendations

3.24. The SPS Agreement does not require Members to notify a measure if its content is substantially the same as that of an international standard adopted by Codex, IPPC or the OIE. Nonetheless, the Recommended Transparency Procedures encourage Members to notify all regulations that are based on, conform to, or are substantially the same as an international standard, guideline or recommendation, if they are expected to have a significant impact on trade of other Members. The notification formats also seek more precision from Members regarding relevant standards and the conformity of the notified measure with these.

3.25. With respect to regular notifications circulated from 1 January to 15 September 2019, Members have not identified an international standard as being relevant to the new measure being notified in 340 of the cases (42%). In the same period of the previous year, no international standard was indicated in 59% of the regular notifications. Chart 16 shows that relevant international

standards indicated were Codex (273, representing 30%), OIE (130, representing 16%) and IPPC (94, representing 12%) standards. This information may relate to the objectives identified for regular notifications (Chart 11).

3.26. When it comes to emergency notifications for the same period, Chart 17 shows that only 10 emergency notifications (14%) have not identified an international standard as being relevant to the measure being notified, similar to the percentage observed in the same period the previous year. The relevant international standards referred to during the current reporting period were Codex (1, representing 1%), IPPC (14, representing 20%) and OIE (44, representing 64%) standards. This is consistent with the information provided in Chart 11, showing that animal health is the most frequently identified objective in emergency notifications. Thus, OIE provides Members with valuable guidance to address many of these emergency situations.

Chart 16 - Regular notifications (excluding addenda) referring to a relevant international standard

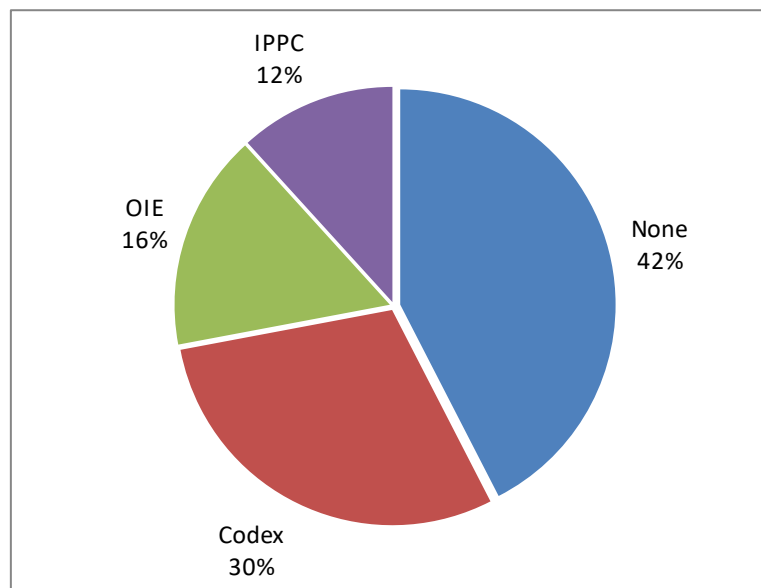
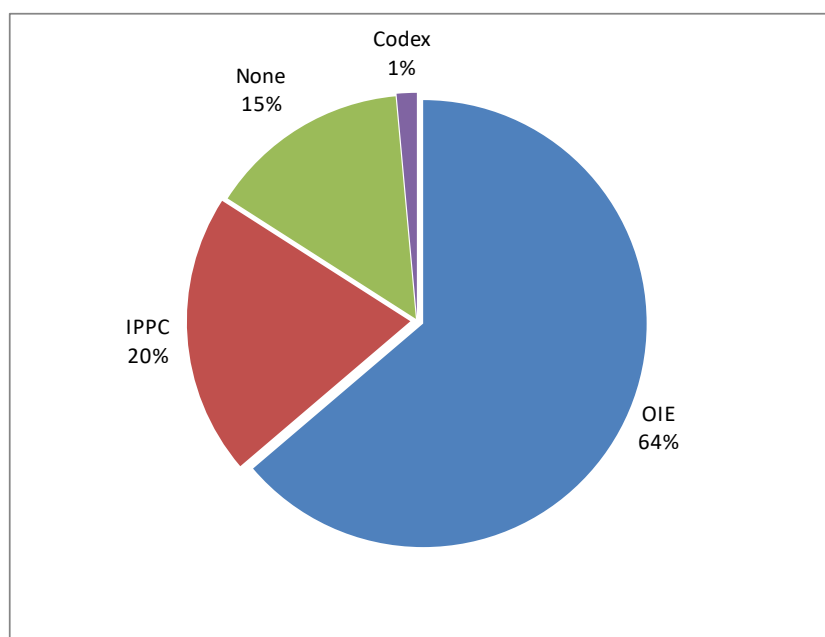


Chart 17 - Emergency notifications (excluding addenda) referring to a relevant international standard



3.27. It is important to keep in mind that, even if a notification refers to an international standard, the notified measure might not conform to it. Therefore, in the notification formats Members are required to identify whether the proposed regulation conforms to the relevant international standard. During the period from 1 January to 15 September 2019, of the 58% of regular notifications identifying a relevant international standard for the measure, 80% indicated that the proposed regulation conformed to that relevant international standard. Out of the regular notifications that did not conform to a relevant international standard, only two referred to OIE standards while the rest referred to Codex Alimentarius. For the same period, nearly all (97%) of emergency notifications identifying a relevant international standard indicated that the proposed regulation conformed to the relevant international standard.

3.7 Proposed date of adoption/publication/entry into force

3.28. In accordance with paragraphs 1 and 2 of Annex B of the SPS Agreement, Members are obliged to ensure that all SPS regulations which have been adopted are published promptly. Except in urgent circumstances, Members are also obliged to allow a reasonable interval between the publication of a measure and its entry into force. Paragraph 3.2 of the Doha Decision on Implementation-Related Issues and Concerns states that this interval "shall be understood to mean normally a period of not less than 6 months".²⁴

3.29. The regular notification format contained in the Recommended Transparency Procedures includes separate fields for entering the "proposed date of publication", the "proposed date of adoption" and the "proposed date of entry into force". In addition, it includes a default checkbox for a six-month interval between the publication and entry into force of a new measure. For each of these items, the SPS NSS provides a calendar so that Members can easily enter dates, allowing for a more accurate analysis.

3.30. For the period from 1 January through 15 September 2019, the date of adoption in about 38% of the regular notifications was still to be determined, while less than 50% identified either a specific date or a wider period (months or quarters, mainly), for adoption. This illustrates that, at the moment of notification, Members are not always able to foresee the exact date of adoption of a regulation.

3.31. During the reporting period, 262 notifications (33%) indicated a specific date of publication. Of these, 192 (73%) had been published prior to the date of distribution of the notification, and 73 (38%) of these concerned measures identified as trade facilitating. Regarding the interval between publication of the measure and its entry into force, 111 regular notifications (14%) had selected the checkbox for a six-month interval provided in the notification format. Additionally, 209 of the notifications (26%) provided a specific date of entry into force. Of these, only seven provided a period of six months or more and the remaining 202 provided a period of less than six months. A total of 469 notifications (60%) did not specify the proposed date of entry into force. It should be noted that, in some cases, such dates are not yet determined at the time of the notification, as the nature and extent of comments received on the proposed measure may affect the dates of adoption, publication and entry into force.

3.32. As provided for in the Recommended Transparency Procedures, notifying Members sometimes follow up on their original notification with an addendum to alert Members to the adoption, publication, or entry into force of a previously notified proposed measure. During the period from 1 January to 15 September 2019, about 63% of the addenda indicated the adoption, publication or entry into force of regulations as shown in Chart 18 on reasons for addenda to regular notifications (see below).

3.8 Final date for comments

3.33. Annex B, paragraph 5 of the SPS Agreement provides that notifications should take place at an early stage, when amendments can still be introduced, and comments taken into account. The Recommended Transparency Procedures state that the comment period provided for regular notifications should last at least 60 days. Where domestic regulatory mechanisms allow, the 60-day comment period should normally begin with the circulation of the notification by the

²⁴ [WT/MIN\(01\)/17](#) and para. 4.3 of [G/SPS/7/Rev.4](#).

WTO Secretariat. The notification formats also offer a checkbox option for such a 60-day comment period to encourage Members to follow this recommendation.²⁵ The SPS NSS provides a calendar so that Members can easily click on the final date for comments. Between 1 January and 15 September 2019, a 60-day comment period was provided in 393 regular notifications (50%).

3.34. An analysis of the notifications issued during the period from 1 January through 15 September 2019 shows that 606 (77%) provided a comment period, ranging from a minimum of 2 days to a maximum of 174 days, with an average of 55 days (calculated as the difference between the date of circulation of the notification and the final date for comments; see Table 1). More specifically, 438 regular notifications (56%) provided a comment period of 60 or more days. On average, developed and developing (including least-developed) country Members provided similar comment periods (56 and 55 days respectively).

Table 1. Comment period provided in regular notifications (1 January – 15 September 2019)

All Members		
	No.	Share
No. of regular notifications	789	-
Comment period available	606	77%
Comment period not indicated/not available	183	23%
Average length (in days)	55	
Developed country Members		
	No.	Share
No. of regular notifications	260	-
Comment period available	162	62%
Comment period not indicated/not available	98	38%
Average length (in days)	56	
Developing country Members		
	No.	Share
No. of regular notifications	529	-
Comment period available	444	84%
Comment period not indicated/not available	85	16%
Average length (in days)	55	

3.35. It should be noted that no comment period needs to be provided in the case of proposed measures which facilitate trade and those which are substantially the same as an international standard. From 1 January through 15 September 2019, 222 notifications (28%) have been identified to be trade facilitating. Of these, 128 (58%) still provided a comment period, of which 85 (38%) provided a 60-day comment period. In addition, 54% of notifications indicating conformity with a relevant international standard still provided a 60-day comment period.

3.36. While Members must notify other WTO Members of draft, new or changed measures, they are not required to submit the text of the relevant regulations along with their notifications. However, Members have raised concerns in the SPS Committee regarding the difficulties of accessing the actual text of notified regulations, which are described only in summarized form in notifications. Members have also pointed out that the process of receiving the texts of regulations reduces the period actually available for providing comments.

3.37. Since February 2008, in an effort to address these concerns and facilitate access to notified draft regulations, Members may, on a voluntary basis, provide the Secretariat with an electronic version of the text of the notified draft regulation as an attachment to the notification format.

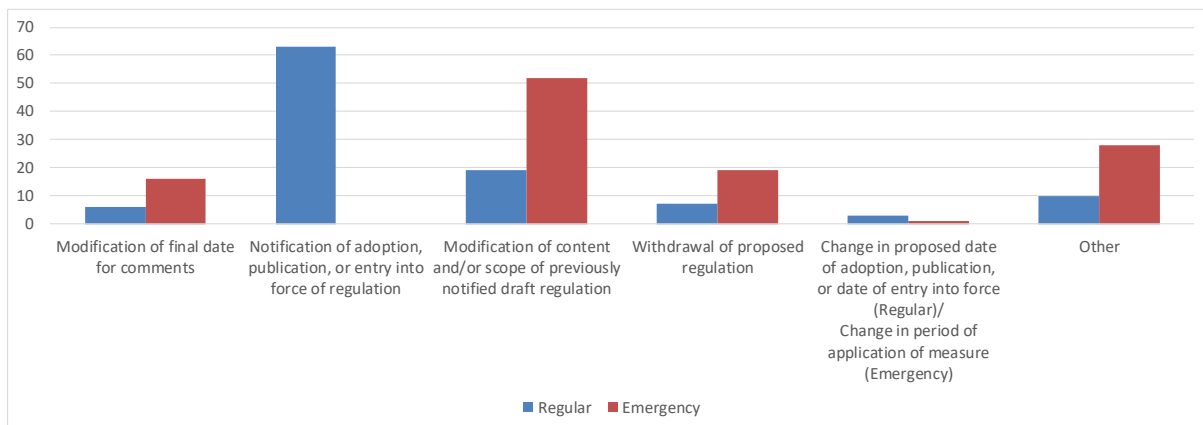
²⁵ See [G/SPS/7/Rev.4](#), para. 2.8.

The submitted text is then made electronically accessible to other Members through a hyperlink in the notification format.²⁶ Many Members include a hyperlink to their own electronic version of the notified regulation as part of the text of the notification, in addition to or instead of the above facility. The SPS NSS also allows Members to directly upload documents. From 1 January through 15 September 2019, around 672 regular notifications (79%) and 45 emergency notifications (65%) have provided the full text or a summary of the notified draft regulations using this facility. Members may wish to remind their notification authorities of the availability of this facility.

3.9 Reasons for addenda to regular and emergency notifications

3.38. According to the Recommended Transparency Procedures, Members are asked to select from a number of options regarding the reason for an addendum. Chart 18 below shows the share of each option for the period from 1 January to 15 September 2019. Note that the "Notification of adoption, publication, or entry into force of regulation" is a reason for addenda to regular notifications only. Also note that regular notifications refer to withdrawal of proposed regulations while emergency notifications refer to withdrawal of regulations. Other reasons include, for instance, lifting an import ban or the inclusion of a new country in the list of affected regions.

Chart 18 - Reasons for addenda (percentage)²⁷



3.39. In addition, Members can notify their decision on special and differential treatment provided in reference to a specific request, through another addendum notification format. As previously mentioned, no Member has ever notified such a decision to the Committee.

4 NOTIFICATION KEYWORDS

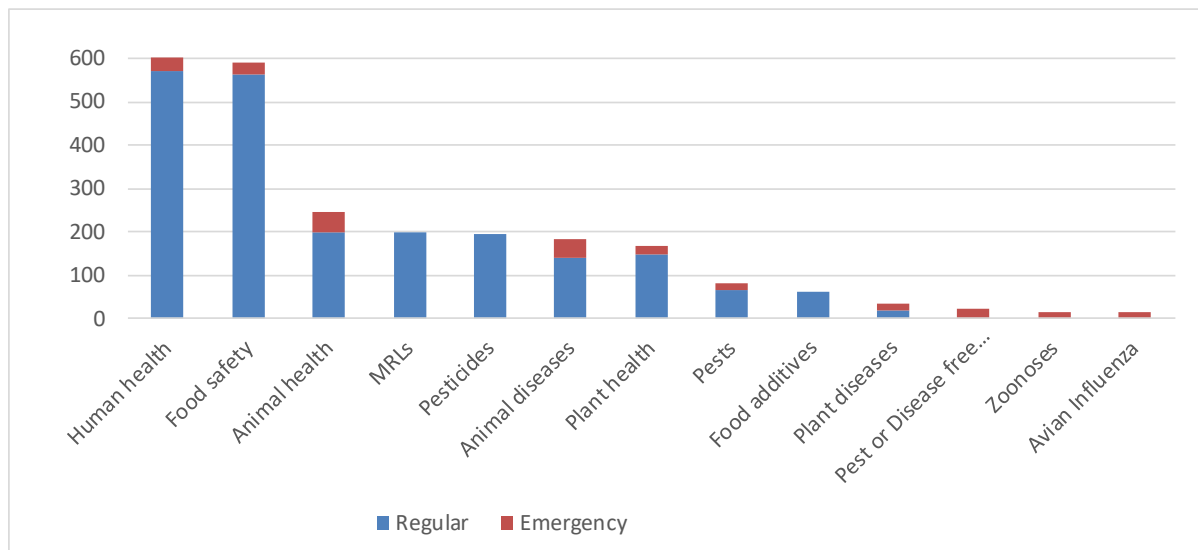
4.1. With the SPS IMS, all notifications can also be categorized according to a list of about 90 predefined keywords, which describe issues appearing frequently in notifications. The CRN has assigned these keywords since 2003, and they assist searching for notifications in certain areas. While the keywords include the objectives of the notification (e.g., food safety, animal health, plant protection), they also include specific notification subjects, such as pesticides, maximum residue limits, avian influenza, etc.

4.2. As shown in Chart 19, the keywords which have been most frequently assigned to regular notifications, in descending order for the current reporting period, are: human health, food safety, animal health, maximum residue limits (MRLs) and pesticides. For emergency notifications, the most frequent keywords in descending order are: animal diseases, animal health, human health, food safety and pest or disease free regions/regionalization. It must be noted, however, that the majority of the notifications are assigned more than one keyword. The Chart below specifies the total number of times the specific keyword was assigned, regardless of whether this objective was specifically identified in the notification itself.

²⁶ See [G/SPS/7/Rev.4](#), para. 2.8 and Annex C.

²⁷ Each notification can have multiple entries for the reasons for addenda.

Chart 19 - Keywords of notified regular and emergency SPS measures from 1 January to 15 September 2019 (number)



5 OTHER TRANSPARENCY-RELATED ASPECTS

5.1. In light of the steadily increasing volume of documents, managing the flow of notifications, and coordinating at the national level to be able to benefit from a transparent system is a challenge for many Members. This is one of the areas where Members have sought technical assistance and guidance on best practices.²⁸ Section 1 presents the main information resources currently available for SPS transparency purposes (SPS IMS, SPS NSS and ePing). Below is additional information and some other examples of tools and guidance related to implementing the transparency provisions of the SPS Agreement. The WTO Secretariat regularly provides hands-on training on the SPS IMS, SPS NSS and ePing as part of its technical assistance programmes. According to the 2015 questionnaire on transparency, a majority of Members expressed a need for technical assistance in order to enhance their transparency mechanisms, and Members that received such technical assistance reported it to be very useful.²⁹ Some Members significantly increase their notification record following a dedicated training on transparency. Additionally, transparency workshops, usually organized every other year, provide highly interactive training on the use of the SPS IMS, SPS NSS and ePing. The last Workshop focusing exclusively on transparency was held in Geneva on 30 and 31 October 2017.³⁰ Within the framework of the Fifth Review, a Workshop on Transparency and Coordination took place on 15 and 16 July 2019, in the margins of the SPS Committee meeting.³¹ All the information from previous workshops and thematic sessions is available at the SPS gateway on transparency.³²

5.2. The use of available tools is constantly increasing. To date, 85 Members have requested access to the SPS NSS, and 46 of these have officially submitted notifications through the system. From 1 January to 15 September 2019, about 75% of notifications were submitted via the SPS NSS.

5.3. Currently, almost 8,000 users from both public and private sector are registered to receive notification alerts through ePing. Some additional functionalities, such as the national and international discussion fora, are also of interest to many Members.

5.4. The Standards and Trade Development Facility (STDF) has funded various projects to increase transparency by enhancing inter-agency coordination at the national and/or regional level, as well

²⁸ See the Analysis of Replies to the Questionnaire on the Operation of Enquiry Points and National Notification Authorities ([G/SPS/GEN/751/Rev.1](#)) for further elaboration on this issue.

²⁹ See the Analysis of Replies to the Questionnaire on Transparency under the SPS Agreement, ([G/SPS/GEN/1402](#), paras. 3.29 and 3.30) for further elaboration on this point.

³⁰ The report of this Workshop is contained in document [G/SPS/R/89](#).

³¹ The programme of the Workshop is contained in [G/SPS/GEN/1694/Rev.2](#). A report of the Workshop can be found in [G/SPS/R/95](#).

³² https://www.wto.org/english/tratop_e/sps_e/transparency_toolkit_e.htm.

as strengthening linkages between government agencies and the private sector. The STDF is currently carrying out work on the use of Good Regulatory Practice (GRP) to support the development and implementation of SPS measures. One of the objectives of GRP is to improve the quality of regulations and ensure that regulatory outcomes are effective, transparent, inclusive and sustained. More information on this ongoing work can be found on the STDF website.³³ WTO Members are invited to contact the STDF Secretariat (stdfsecretariat@wto.org) to obtain further information on the work carried out by the Facility.

5.5. The analysis provided in this document shows a global increasing trend in the number of notifications over the years and interesting data concerning the use of notifications by Members according to their development status, the type of notification and the information provided. Members occasionally share their experiences on other transparency-related areas within the SPS Committee and in the activities organized in the margins of the meeting, although this information cannot be consistently analyzed and conclusions cannot be extrapolated. Members are encouraged to complement this overview document through submissions to the SPS Committee regarding their own experience in matters related to the transparency provisions of the SPS Agreement.

³³ <http://www.standardsfacility.org/good-regulatory-practice>.