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Committee on Sanitary and Phytosanitary Measures

RECOMMENDATIONS IN RELATION TO SPS APPROVAL PROCEDURES

NOTE BY THE SECRETARIAT¹

Following the recommendation from the fifth review of the operation and implementation of the Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement), a Working Group on Approval Procedures was established with the goal of exploring:

- Key challenges of approval procedures that impact international trade and that the SPS Committee should seek to address;
- Principles of approval procedures that facilitate international trade while meeting the importing Member's appropriate level of protection (ALOP) and the SPS Committee's role in highlighting these principles;
- Tools available and best practices to enhance the implementation of the obligations of the SPS Agreement as they apply to approval procedures; and
- Other topics raised by participants over the course of the Working Group on Approval Procedures.

The Working Group on Approval Procedures developed a note on Outcomes and Recommendations.²

The recommendations below do not represent a legal interpretation of the rights and obligations under the SPS Agreement and do not in any way exemplify a legal definition.

1 RECOMMENDATIONS

1.1. The Collection of Available Tools and Resources in document [G/SPS/W/337](#) will be kept up to date by the SPS Committee with the assistance of the Secretariat.

1.2. Members should consider the use of SPS Committee mechanisms to facilitate discussions on the challenges and principles of approval procedures, and to further explore the need for additional guidance or tools to be developed. These mechanisms include, but are not limited to:

- a. Agenda item 4(d) of the formal SPS Committee meeting on Operation and implementation of the SPS Agreement – Control inspection and approval procedures;
- b. The upcoming sixth review process; and
- c. The thematic groups established under the MC12 SPS Declaration work programme.

1.3. Members are encouraged to further the implementation of Annex C of the SPS Agreement with respect to approval procedures.

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 [G/SPS/GEN/2099](#).

1.4. Members are reminded of the importance of key principles of the SPS Agreement, including those reflected in Annex C of the Agreement. Members are reminded of the importance of the following principles of approval procedures to facilitate international trade while meeting the importing Member's ALOP:

- a. Science-based, risk-based SPS measures in accordance with Articles 2.2, 3, and 5;
- b. Timely approval and no undue delay in approval procedures in accordance with Annex C.1(a), and information requirements limited to what is necessary in accordance with Annex C.1(c);
- c. Transparency, communication, and publication with respect to approval procedures in accordance with Article 7 and Annexes B and C:
 - i. Members are encouraged to make relevant information on approval procedures available on official websites, ideally in multiple languages, and to use e-tools to provide clear and timely information on approval procedures;
 - ii. Members are encouraged to have up-to-date contact details of their SPS National Enquiry Points and National Notification Authorities available on the [ePing SPS&TBT Platform](#);
 - iii. Members are encouraged to notify all new or changed approval procedures that are expected to have a significant effect on trade of other Members;
 - iv. Members are encouraged to provide relevant information proactively at the start of the approval process, including with respect to the requirements for the approval procedure, anticipated processing period, steps of the approval procedure, and relevant deadlines and timeframes, as well as to provide regular status updates;
 - v. Members are encouraged to maintain an open and ongoing communication with applicants throughout approval processes; and
 - vi. Members are encouraged, to the extent possible, to use international tools for the electronic exchange of certificates;
- d. Non-discrimination and consistent treatment of Members with the same SPS status in accordance with Article 2.3, Article 5.5, and Annex C.1(a);
- e. Harmonization with international standards in accordance with Article 3 and Annex C; and
- f. Equitable fees in accordance with Annex C.1(f).

1.5. Members are encouraged to engage in regulatory cooperation to maximize capacity and resources, to facilitate approval procedures, and to address asynchronous approvals.

1.6. Members are encouraged to adopt approval procedures that make use of modern technologies and practices, such as remote audits, and to work with relevant international organizations in this area.
