Committee on Sanitary and Phytosanitary Measures

COLLECTION OF RESOURCES TO FACILITATE IMPLEMENTATION OF NATIONAL SPS COORDINATION MECHANISMS

NOTE BY THE SECRETARIAT[1]

Revision

1. The Report of the Fifth Review of the Operation and Implementation of the SPS Agreement[2], adopted on 31 July 2020[3], includes several recommendations on various topics, including national SPS coordination mechanisms. This document responds to the Committee's specific recommendation requesting "the Secretariat to prepare a collection of resources that can be useful for Members in implementing their national coordination mechanisms, starting with those mentioned at the 2019 Workshop on Transparency and Coordination, and including additional resources as suggested by Members".[4,5]

2. This document is composed of three sections: (i) experiences of Members with national SPS coordination mechanisms and experiences of regional organizations in facilitating and strengthening national SPS coordination mechanisms; (ii) best practices shared by Members and lessons learned in developing and strengthening their national SPS coordination mechanisms; and (iii) tools/resources available from the WTO and other international organizations that can be useful in strengthening coordination mechanisms.

1 EXPERIENCES WITH SPS COORDINATION MECHANISMS AT THE NATIONAL AND REGIONAL LEVEL

3. In the 2019 Workshop on Transparency and Coordination, several Members identified various mechanisms and systems to coordinate SPS issues at the national level. Several regional organizations also shared their experiences in facilitating and strengthening national mechanisms. These mechanisms/systems are indicated in the table below.

Coordination mechanism/system	Responsibilities/Functions
I. NATIONAL SPS COORDINATION	
Single agency covering both SPS and TBT issues	Single agency responsible for covering both SPS and TBT issues, creating a "single window" for meeting transparency requirements and for managing regulatory issues in the SPS area, as well as interfacing at the national and international level.
	Some key tasks include:
	▪ Notification of all technical and SPS regulations that may impact trade, including those based on international standards.

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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.

[2] See documents G/SPS/64 and G/SPS/64/Add.1.

[3] At its June 2020 meeting, the SPS Committee agreed to adopt the Fifth Review Report on an ad referendum basis. Under this procedure, the Fifth Review Report was adopted unless a Member objected by 31 July 2020.

[4] The specific recommendation is contained in paragraph 6.7 of the Fifth Review Report (G/SPS/64).

[5] The programme and report of the Workshop on Transparency and Coordination are available in documents G/SPS/GEN/1694/Rev.2 and G/SPS/R/96, respectively. Presentations are also available at: https://www.wto.org/english/tratop_e/sps_e/workshop15072019_e.htm.

Coordination mechanism/system	Responsibilities/Functions
	- Definition of priorities for regulatory issues through the establishment of a regulatory agenda. - Continuous engagement in international partnerships in order to encourage regulatory convergence and promote common standards and guidance with strategic partners.
Single regulatory agency for SPS issues	Single regulatory agency covering food safety, animal and plant health issues, jointly governed by two Ministries with relevant portfolios (e.g. Agriculture and Health).
	Single regulatory agency supporting transparency efforts through partnerships with multiple regional and international stakeholders (e.g. Standards and Trade Development Facility (STDF), the Asia Pacific Economic Cooperation (APEC), the Food and Agriculture Organization (FAO), the World Health Organization (WHO) and the Global Food Safety Partnership (GFSP)).
Inter-departmental/ Inter-ministerial coordination mechanisms	Dedicated multi-disciplinary coordination team, drawing on expertise across different government departments, to monitor and track action on trade barriers in order to improve access to export markets. This includes regular communication with and reporting to the business community.
	Inter-ministerial coordination scheme involving various Ministries and Commissions (e.g. Commerce, Agriculture, Customs and Health) with a clear-cut assignment of responsibilities across the various entities to ensure transparency of SPS notifications.
	Coordination across SPS competent authorities through the organization of periodic coordination meetings organized (e.g. 2 to 3 times per year) to: - share the concerns to be considered at the international level; - identify STCs and issues of interest to be raised in the SPS Committee; - participate in harmonization meetings coordinated at the regional level; and - monitor/audit notifications of nonconformity and corrective measures.
	Coordination among cross-agency groups that deal with various WTO agreements aimed at creating a domestic network for coordination, positioning and training.
National SPS Committees	Coordination of SPS-related issues through a national SPS committee composed of Government departments and ministries, private sector and non-governmental organizations.
II. REGIONAL SPS COORDINATION	
African Union	The African Union undertakes efforts to facilitate domestic and regional SPS coordination and increase participation of African countries in the work of standard-setting bodies and the SPS Committee. These efforts are also aimed at building synergies to resolve food safety, animal and plant health issues; and promoting dialogue with other regional blocs for mutual support during standard-setting activities. Examples of coordination activities undertaken include supporting electronic forum/physical meetings to discuss specific trade concerns prior to SPS Committee meetings; supporting physical participation of AU member States in the meetings of Codex, OIE and the SPS Committee; and conducting training activities to strengthen domestic SPS coordination mechanisms.
APEC	APEC Food Safety Cooperation Forum (FSCF)[6] Partnership Training Institute Network (PTIN) uses a public-private partnership model for improving food safety and facilitating trade in the APEC region. It works with FSCF Regulators to deliver capacity building through workshops, encouraging the adoption of good regulatory practices in APEC economies in areas such as public consultation in the drafting of food safety regulations; and systematic publication of regulations.

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[6] APEC Food Safety Cooperation Forum (FSCF) includes food safety regulators from the 21 APEC economies. The APEC FSCF focuses on food safety capacity building and regulatory dialogue, encourages the use of science-based international standards and alignment to Codex standards, as well as the adherence to WTO SPS and TBT provisions.

Coordination mechanism/system	Responsibilities/Functions
ECOWAS	ECOWAS has undertaken various coordination efforts and supported implementation of transparency provisions in the region. Some of the challenges faced include limitations in terms of knowledge, awareness and ownership of SPS issues; cooperation between the notification authority and other government authorities; and compliance with SPS transparency provisions. Possible solutions include increasing training on SPS transparency provisions, revitalizing the functioning of the national SPS committees, establishing monitoring and management systems within the notification authorities, and increasing advocacy and sensitization of high-level authorities or decision makers on the importance of SPS.
IICA	IICA has facilitated various domestic coordination initiatives implemented in the Latin American and Caribbean region. Based on IICA's experience, countries should consider the following points when establishing a national SPS committee: possibility to interact with different actors (public and private); need for periodic training of all actors involved; capacity to identify and resolve issues, and disseminate results on a permanent basis; and importance of a strong solid focal point.

Coordination mechanism/system	Responsibilities/Functions

2 BEST PRACTICES AND LESSONS LEARNED

4. The following table provides an overview of best practices shared by Members and lessons learned in developing and strengthening their national SPS coordination mechanisms.

Best Practices	Lessons Learned
1. Training	
▪ Using training to promote national SPS coordination. ▪ Undertaking a training gap analysis and developing a training strategy. ▪ Strengthening the knowledge and understanding of WTO SPS provisions in order to enhance compliance of SPS measures. ▪ Delivering general staff induction training and specific training on WTO matters for government agencies and industry sectors.	▪ Importance of taking advantage of national, regional and international SPS/TBT training events to promote and register new users. ▪ Coordinate technical cooperation to benefit from synergies and reduce duplication.
2. Communication and advocacy	
▪ Engaging in continuous communication and advocacy efforts to broaden cooperation on SPS transparency matters. ▪ Advocating and sensitizing high-level authorities or decision-makers on the importance of SPS notifications and issues. ▪ Participating in WTO transparency workshops and enhancing technical cooperation with developing country Members. ▪ Promoting public awareness of SPS transparency-related websites, including notifications, translations, monthly newsletters. ▪ WTO online tools: encouraging industries, especially Micro, Small and Medium Enterprises (MSMEs) to utilize WTO SPS/TBT tools, including ePing; and periodic promotion, training and registration of new users to account for staff turnover, new enterprises.	▪ Continuous dissemination of benefits from the implementation of transparency provisions at all levels is essential. ▪ Promoting the use of ePing by MSMEs to access information on SPS and TBT import requirements. ▪ Technology facilitates the wider distribution of notifications electronically. ▪ Political will is critical for supporting national SPS activities. ▪ Continuously creating awareness, building inter-agency accountability and establishing feedback mechanisms on priority SPS issues are necessary to sustain stakeholder's interest.
3. Regulatory process	
When developing/revising SPS regulations consider: ▪ Improving transparency of the SPS regulatory process. ▪ Building up a legal system in line with multilateral trade rules. ▪ Verifying consistency with domestic and international legal frameworks. ▪ Allowing for interagency review and comment. ▪ Ensuring the publication of a notice, notification of proposed regulation to the WTO and provision of a comment period. ▪ Making proposed regulations publicly available (public docket); reviewing comments received; and taking the comments and discussions into account in finalizing the regulation. ▪ Reviewing (regulators) the coverage of all measures and distinguishing which parts may fall under the SPS or TBT Agreements; notifying regulations containing both SPS and TBT elements to the SPS and TBT Committees (SPS/TBT NNAs); indicating in the notification if the regulation has been notified to another WTO committee; and keeping track of notifications made under both committees.	▪ Public comment mechanisms result in better, fit-for-purpose SPS regulations. ▪ Institutions must have procedures for developing regulations.

Best Practices	Lessons Learned
4. Format and composition of national SPS coordination mechanisms	

When establishing a national coordination mechanism, it is important to consider:
▪ Evaluating the need for and suitability of a national SPS committee, as well as defining responsibilities and areas of work.
▪ Including representatives of both public and private sectors.
▪ Integrating cross-cutting SPS issues discussed in various multilateral fora.
▪ Using national SPS/TBT committees to receive stakeholders' feedback on WTO online tools, including ePing.
▪ Delivering periodic training to participants.
	▪ Leadership is fundamental to develop and maintain processes of change.
	▪ Transparency should be a regular agenda item.
	▪ The SPS NNA has a key role in the implementation of transparency provisions.
	▪ Strategic alliances strengthen Members' performance and participation in transparency processes.
	▪ Domestic and regional consultation mechanisms:
	  o Facilitate compliance with international transparency commitments.
	  o Are successful when they have a solid focal point and processes that affect decision-makers.
	  o Are effective if they identify challenges and resolve issues.
	  o Are key to establish sustainable processes.
	  o Are usually not constrained by financial limitations.
	▪ The existence of contact networks favours cooperation and synergies between peers.
	▪ Industry associations usually report through direct relationships rather than formal processes/channels. They also report through forums and committees.
	▪ Larger businesses rely on departmental and ministerial relationships.
	▪ Reporting of issues through step-by-step processes can be inconsistent.
	▪ MSMEs see trade barriers as their own responsibility and business as usual. Can be unclear who to report to.
	▪ Private sector can provide unique technical and scientific information, as well as production knowledge.

3 USEFUL TOOLS AND RESOURCES FOR NATIONAL SPS COORDINATION

Tool/Resource	What is it?	Where to find it?
WTO Documents Online	Database providing access to all official WTO documentation, including SPS-related documents.[7] This tool also includes an e-mail alert service (E-Subscriptions), where users can register to receive e-mail alerts whenever new WTO documents matching their interests are circulated.[8]	https://docs.wto.org/
SPS Members transparency toolkit	Toolkit containing information about notification formats, handbooks, links to Members' SPS websites and other aids for Members' SPS-related transparency work.	https://www.wto.org/english/tratop_e/sps_e/transparency_toolkit_e.htm
TBT Members transparency toolkit	Toolkit containing information on the transparency obligations and procedures, and related work in the TBT Committee, as well as on-line resources.	https://www.wto.org/english/tratop_e/tbt_e/tbt_transparency_toolkit_e.htm
SPS Information Management System (SPS IMS)	Comprehensive database containing specialized and detailed information on SPS notifications, specific trade concerns (STCs), National Notification Authorities (NNA)/National Enquiry Points (NEP) contact information, and other SPS documents.	http://spsims.wto.org
TBT Information Management System (TBT IMS)	Comprehensive database allowing users to search all TBT notifications submitted by Members, as well as specific trade concerns raised in the TBT Committee. Users can also access information on TBT Enquiry Points, statements on implementation and acceptance of the Code of Good Practice.	http://tbtims.wto.org
eAgenda	Members can submit items, including specific trade concerns (STCs), for inclusion in the SPS Committee meeting annotated draft agenda, increasing transparency and early notice on STCs and other agenda items, and allowing Members to upload statements prior to or after the SPS Committee meeting.	https://eagenda.wto.org/members/
Annotated agenda for SPS Committee meetings	Ahead of each SPS Committee meeting, the Secretariat prepares an annotated agenda for the formal and informal meetings.[9] The annotated agenda provides detailed information on the agenda items to be discussed by the Committee. In particular, it includes useful background details on topics under discussion and the relevant document symbols of submissions from Members and Observer organizations, as well as documents prepared by the Secretariat. The annotated agenda aids Members in their preparation for SPS Committee meetings.	Documents for meetings; https://docs.wto.org/
ePing system	SPS/TBT notification alert system launched by WTO, UNDESA and ITC in November 2016. Users can sign up to receive daily or weekly email alerts using individual criteria, and search for specific SPS/TBT notifications. ePing provides additional functionalities for officially designated NNAs/NEPs to coordinate and communicate with domestic stakeholders.	http://www.epingalert.org
The Global Trade Helpdesk (GTH)	Multi-agency initiative jointly led by ITC, UNCTAD, and the WTO that aims to simplify market research for companies, and especially MSMEs, by integrating trade and business information into a single online portal.	http://www.globaltradehelpdesk.org/

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[7] Password-protected access to Members for restricted documents.

[8] This e-mail alert service is available only for Members and requires a personal WTO account. Delegation Coordinators can be contacted for more information.

[9] Password-protected access to Members for annotated agendas, which are restricted documents.

Tool/Resource	What is it?	Where to find it?
The global database on Non-Tariff Measures (TRAINS)	TRAINS provides information on a broad range of policy instruments including traditional trade policy instruments, such as quotas and price controls, as well as regulatory and technical measures that stem from important non-trade objectives related to health and environmental protection (i.e. sanitary and phytosanitary (SPS) measures and technical barriers to trade (TBT)). The database is a systematic source of information and aims to enhance transparency in NTMs.[10]	https://trains.unctad.org/
The food control system assessment tool	Comprehensive tool jointly developed by FAO and WHO to assist Members in assessing the effectiveness of national food control systems.	https://www.who.int/publications/i/item/9789241515719
The Performance of Veterinary Services (PVS) Pathway	OIE's flagship capacity building platform for the sustainable improvement of national Veterinary Services. The PVS Pathway empowers national Veterinary Services by providing them with a comprehensive understanding of their strengths and weaknesses using a globally consistent methodology based on international standards - a useful external perspective that can reveal gaps, inefficiencies and opportunities for innovation. This enables countries to take ownership and prioritise improvements to their animal health system.	https://www.oie.int/solidarity/pvs-pathway/
The Phytosanitary Capacity Evaluation (PCE)	Interactive tool developed by the International Plant Protection Convention (IPPC) to conduct a situational analysis of the existing phytosanitary system, and to help the National Plant Protection Organization (NPPOs) assess its progress over time in the implementation of the IPPC and the international standards on phytosanitary measures.	https://www.ippc.int/en/core-activities/capacity-development/phytosanitary-capacity-evaluation/
STDF work on SPS capacity evaluation tools	An STDF briefing note (2017) provides an overview of three main tools that are used to evaluate SPS capacity, as a first step in identifying and addressing SPS priorities: the OIE-PVS Pathway, the IPPC-PCE tool, and the FAO/WHO National Food Control Systems Assessment Tool. The briefing note provides examples and case stories. Previous STDF work on SPS tools included workshops and a compilation of other SPS-related capacity evaluation tools. More information is available on the STDF website.	https://www.standardsfacility.org/capacity-evaluation-tools
STDF - Prioritizing SPS Investments for Market Access (P-IMA) Framework	The P-IMA framework offers an evidence-based approach to inform and improve SPS planning and decision-making processes and mobilize public, private and/or donor resources for SPS investments. Developed by the STDF, the framework helps to link SPS investments to public policy goals including export growth, agricultural productivity, and poverty reduction. Experience has shown that in the process, P-IMA encourages public-private dialogue, boosts transparency and accountability, and improves the economic efficiency of investment decisions. The framework has been applied in several developing countries, including through STDF project and project preparation grants (PPGs). The STDF is currently finalizing a review and update of the P-IMA user guide to improve its practicality and user-friendliness and allow virtual training on the P-IMA framework. The guide will be issued in 2021. More information is available on the STDF website.	https://www.standardsfacility.org/prioritizing-sps-investments-market-access-p-ima
STDF Library	The STDF Library holds a wide range of global SPS resources including guidelines on SPS capacity building, training materials, capacity assessments, project reports and evaluations, research papers and articles. All the information in the Library is publicly available.	https://www.standardsfacility.org/library

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[10] UNCTAD: https://unctad.org/system/files/official-document/ditctab2017d3_en.pdf.

Tool/Resource	What is it?	Where to find it?
STDF work on Good Regulatory Practice	The STDF is carrying out work on how Good Regulatory Practice (GRP) can be used to improve the quality and effectiveness of SPS measures in developing countries. GRPs include for example stakeholder consultation and regulatory impact assessment. STDF's GRP work aims to provide guidance and a practical checklist for developing countries to ensure that SPS measures are "fit for purpose" and avoid the creation of non-tariff barriers. This work is guided by a peer review group of STDF members and other partners. An update is expected in 2021. More information is available on the STDF website.	https://www.standardsfacility.org/good-regulatory-practice
STDF publication on National SPS Coordination Mechanisms: An African perspective	This STDF paper (2012) examines the existence and functioning of national SPS coordination mechanisms in Africa. The paper provides practical suggestions and guidance for the establishment of national SPS committees, including a practical **checklist** on the creation and operation of these committees, and offers lessons learned in this regard. Case studies of selected national SPS coordination mechanisms, as well as information documents related to such mechanisms, are also included. In addition, the paper provides information on tools that, among other things, support coordination and communication among SPS stakeholders at the national, regional and international level.	https://www.standardsfacility.org/sites/default/files/STDF_NationalSPSCoordinationMechanisms_EN_0.pdf
STDF publication on Regional SPS Frameworks and Strategies in Africa	This report for the STDF includes a preliminary analysis of regional SPS policy frameworks in Africa, in light of the SPS Agreement and the standard-setting activities of Codex, OIE and IPPC, and explores the possibility of further actions.	https://www.standardsfacility.org/sites/default/files/STDF_Regional_SPS_Stategies_in_Africa_EN_0.pdf

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