

**SPECIAL MEETING ON THE STRENGTHENING
OF NATIONAL NOTIFICATION AUTHORITIES**

Communication from Argentina

1. Annex B of the SPS Agreement and the recently approved Decision G/SPS/7/Rev.2 impose on Members a series of transparency obligations, effective compliance with which serves usefully to prevent the creation of unnecessary trade barriers. Obviously, not all WTO Members are equal in their ability to discharge the obligations undertaken, nor do they all suffer the impact of trade restrictions in the same way. Developing countries face serious difficulties in implementing at national level the procedures necessary to guarantee effective compliance with the commitments undertaken. This document describes some of the efforts made at national level in this connection, and also seeks to identify the difficulties encountered in that process.

ANALYSIS OF NOTIFICATIONS RECEIVED

2. The work of the Argentine national agency responsible for notifications is coordinated by the Ministry of Agriculture, Livestock, Fisheries and Food (SAGPyA), while the Department of Food is responsible for the focal point and the National Notification Authority (hereafter NNA), with technical support from the National Directorate for Agri-food Markets, handles the day-to-day management of the notifications received.

3. Given the importance of effective implementation of Decision G/SPS/7/Rev.2 on transparency and the large quantity of notifications received each week by the WTO Secretariat, a mechanism for review of the content of notifications has been introduced at national level for the purpose of prioritizing the processing of those which are of outstanding significance, either because of the importance of their subject-matter or on account of their potential commercial impact on Argentine exports.

4. First of all, the NNA prepares a list specifying each individual notification submitted the week before, the submitting country, the subject and the deadline for comments. This list is transmitted to the relevant official sectors and to the entire domestic private sector engaged in foreign trade. At the same time, the NNA identifies those notifications on the list which are of outstanding significance, either because of their subject-matter or on account of their potentially negative impact on Argentine exports. On that basis, the notifying Member is requested to provide the full text of the standard notified, and a summary thereof is prepared, indicating the most noteworthy aspects.

5. The summary in question, together with a set of indicative questions designed to facilitate the necessary analysis, is submitted to the official technical bodies and to the private sector engaged in marketing the product concerned, for analysis of the technical conformity of the notified draft. This study is carried out in the light of the existence of international reference standards and scientific evidence sufficient to justify the proposed measure. If the study gives rise to doubts regarding the consistency of the draft with the disciplines of the WTO/SPS Agreement, the NNA sends a questionnaire or comments to the notifying Member, in order to clear up any uncertainties.

6. The results thus far have been positive, although difficulties have come to light as regards the effective and efficient handling of the focal point's work.

Difficulties:

- Requirement of trained human resources assigned exclusively to implementation of the notification procedure, who are in short supply in most developing countries;
- the notifying Member does not always respond to requests for the texts of notified standards in good time and in the required form;
- the texts are often only available in non-WTO languages, and no resources are available for translation;
- as pointed out in the document submitted by China (G/SPS/W/378), the notifying Member does not always offer a time-limit of at least 60 days for comments;
- when comments are made, a reply (positive or negative) from the notifying Member is difficult to come by, so that the only possible alternative, where the draft involves a restriction on trade, is to submit the question in the SPS Committee of the WTO.

ANALYSIS OF DRAFT NATIONAL SANITARY AND PHYTOSANITARY MEASURES

7. The determination of the need to notify draft sanitary and phytosanitary measures to the WTO Secretariat is one of the transparency commitments most difficult to implement for developing countries.

8. Argentina is not unfamiliar with the difficulties encountered by many countries in this connection, which are not always related to the level of development, as was shown by China in its submission (G/SPS/GEN/378).

9. The statistical breakdown clearly reveals a significant disparity in the number of notifications submitted by the various WTO Members; in fact, some Members have never submitted a notification. Even where notifications are submitted, they do not always conform to the requirements laid down in Decision G/SPS/7/Rev.2.

10. This clearly shows the need for a reassessment at national level of the system whereby draft sanitary and phytosanitary measures are analysed for approval by the competent authorities, with a view to fulfilling the commitments undertaken.

Difficulties:

- Most national notification authorities in the developing countries have great difficulty in analysing and determining which draft measures should be notified to the WTO Secretariat.
- in most cases, more than one government agency is responsible for elaborating sanitary and phytosanitary standards;

- the different agencies at national level lack the coordination needed to enable the focal point to comply with notification commitments within the time and in the form required;
 - lack of training in the ordinary legal departments of the agencies which produce sanitary and phytosanitary regulations, for the purpose of identifying those cases where draft standards are to be notified in accordance with WTO obligations;
 - lack of resources for the employment of staff specifically dedicated to replying to Members' enquiries within the time and in the form required. This task is an additional burden for existing staff who carry out the duties originally assigned to them.
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