
Committee on Sanitary and Phytosanitary Measures

**ISSUES FOR CONSIDERATION - SPECIAL MEETING OF
THE SPS COMMITTEE ON THE OPERATION OF ENQUIRY POINTS -
31 OCTOBER 2003**

Note by the Secretariat¹

1. At its meeting of 24-25 June 2003, the SPS Committee requested the Secretariat to organize a special meeting on Enquiry Points to be held in conjunction with the October regular meeting of the Committee. The Secretariat informed all Members, in a letter dated 28 August, that this meeting would be held on 31 October 2003. The Secretariat also sent this letter to all Enquiry Points and National Notification Authorities using the e-mail and postal addresses provided to the Secretariat. In this letter, the Secretariat invited Members to identify specific problems they might be facing which are inhibiting the effective performance of their SPS Enquiry Point, in order to focus discussions in the special meeting.
2. In response to the Secretariat's request, several Members identified specific issues they would like discussed at the special meeting. The comments submitted by Argentina and Australia have been circulated in documents G/SPS/GEN/425 and G/SPS/GEN/429, respectively. Comments were also received electronically from Canada and New Zealand.
3. New Zealand identified two specific issues that they wished to see discussed in the context of the special meeting on the operation of Enquiry Points:
 - (a) How to assist and support better and more efficient systems to ensure responses from developing Members to requests for full-texts of notified measures.
 - (b) How to avoid or reduce delays in the translations of notifications.
4. Canada identified three specific issues with respect to its Enquiry Point that they proposed be addressed at the special meeting:
 - (a) How to ensure respect of the time-frame for responding to requests for notified documents. The Committee has agreed that documents should normally be provided within five working days, and if this is not possible, the request for documentation or information should be acknowledged within that period and an estimate given of the time required to provide the requested documentation. In Canada's experience, a number of countries neither provide documents nor an acknowledgment within the five days.

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.

- (b) How to ensure acknowledgement of the receipt of comments. The Committee has agreed that a Member receiving comments through the designated body should, without further request, acknowledge the receipt of such comments. However, in Canada's experience this is not always the case. The Canadian Enquiry Point is sometimes left wondering if the comments they have provided have been received, yet alone taken into account.
- (c) Additional clarification on the role of the National Notification Authority with respect to Annex B, paragraph 5(d) regarding the obligation of Members to discuss comments upon request, and take the comments and the results of the discussions into account.

5. A number of concerns were raised by more than one of the Members providing comments. These common concerns include:

- (a) The work load for SPS Enquiry Points is increasing, creating pressure on resources;
 - (b) When a full-text is requested from the notifying Member, these are not always provided within the recommended five-day response time;
 - (c) Some requests for full-texts are unanswered;
 - (d) The notifying Member fails to acknowledge receipt of comments on a notification.
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