Committee on Sanitary and Phytosanitary Measures

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REPORT
WORKSHOP ON TRANSPARENCY
MONDAY, 30 OCTOBER – TUESDAY, 31 OCTOBER 2017
WTO, CENTRE WILLIAM RAPPARD, GENEVA

NOTE BY THE SECRETARIAT[1]

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The Secretariat of the World Trade Organization organized a workshop on the transparency provisions of the Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement) in Geneva, Switzerland, on 30 and 31 October 2017. This was the seventh SPS workshop on transparency organized by the Secretariat, the first six were held in 1999, 2003, 2007, 2010, 2012 and 2015.[2]

The workshop was open to all Members, Observer governments and organizations with observer status in the SPS Committee. Various funding arrangements made it possible for a number of developing country and least developed country (LDC) participants to attend the workshop.[3] Approximately 150 participants received hands-on training on how to access and use SPS-related information and how to notify their SPS measures. Participants also shared their experiences and best practices in conducting public consultations when developing SPS regulations.

The programme[4] and presentations of the workshop are available from the "Events, workshops and training" section under the WTO SPS Gateway (http://www.wto.org/english/tratop_e/sps_e/events_e.htm).

1 BACKGROUND OF THE WORKSHOP

1.1. The workshop programme was developed in light of the recent launch of the improved versions of the online SPS tools as well as the new ePing SPS/TBT notification alert system, discussions on transparency started as part of the Fourth Review of the implementation of the SPS Agreement, and specific proposals from Members.

2 OBJECTIVE OF THE WORKSHOP

2.1. The objective of the workshop was to bring together officials from Members' SPS National Notification Authorities (NNAs), National Enquiry Points (NEPs), and other relevant authorities for an exchange of experiences, and for hands-on training on the online SPS tools. More specifically, the workshop aimed to:

- Enhance participants' knowledge of the improved versions of the SPS Information Management System (IMS) and the Notification Submission System (NSS), as well as the ePing SPS/TBT notification alert system, through the use of practical exercises;

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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] The reports of these workshops are contained in documents G/SPS/R/16, G/SPS/R/32, G/SPS/R/47, G/SPS/R/60, G/SPS/R/68, G/SPS/R/80 respectively.
[3] The WTO funded, through assistance from the Doha Development Agenda Global Trust Fund (DDAGTF), the participation of 35 government officials (including two speakers) from developing and least-developed country Members. Sponsored participants were selected from 206 applications. In addition, the African Union made it possible for seven participants from French- and English-speaking Africa to participate in the workshop and meetings of the SPS Committee.
[4] G/SPS/GEN/1568/Rev.2.

- Share best practices and national experiences in conducting public consultations when developing SPS regulations; and

- Identify possible actions on ways to address issues related to the implementation of the transparency provisions.

2.2. Overall, the workshop included highly interactive hands-on training on the improved SPS IMS and NSS applications, as well as the ePing alert system. In addition, the workshop provided an open platform for discussion and sharing of national experiences as well as best practices concerning the implementation of the transparency provisions, in particular, in conducting public consultations when developing SPS regulations. Presentations were made by the WTO Secretariat, the OECD, the World Bank, and developed and developing country Members. A summary of the various sessions of the workshop is provided below.

3 WORKSHOP SESSIONS

3.1 Session 1: Introduction

3.1. The first session of the Workshop started with a presentation by **Mr Rolando Alcala** from the Secretariat on the overview of the transparency provisions of the SPS Agreement included in Article 7 and Annex B, and of relevant Committee and Ministerial Decisions, in particular, the Recommended Transparency Procedures (G/SPS/7/Rev.3) and the Doha Ministerial Decision on Implementation-Related Issues and Concerns (WT/MIN(01)/17). The Secretariat highlighted that the new edition of the procedural step-by-step manual for NNAs and NEPs incorporating the use of the improved online SPS tools, the new ePing alert system, as well as other general updates would be released in early 2018.

3.2. The Secretariat outlined that transparency was important, for instance, for bringing clarity and predictability to the trading system, for providing advance warning of changes in regulations, or for improving accountability and responsiveness of the regulatory framework. The main transparency obligations of the SPS Agreement are to: (i) notify draft SPS regulations; (ii) designate an NNA; (iii) establish an NEP to provide answers to all reasonable questions from Members; and (iv) publish SPS regulations. Beyond obligations, Members can benefit and take advantage of a transparent system, for example, by disseminating SPS documents to interested parties, participating in SPS Committee work, raising awareness at the national level on SPS-related issues and playing a coordinating role between the WTO Secretariat, government and the domestic private sector.

3.3. The Secretariat also provided details on the notification of SPS regulations, specifically on what to notify, when to notify, which notification formats to use and the recommended transparency procedures as outlined in G/SPS/7/Rev.3. In addition, the institutional arrangements for notifications were described, specifically the duties and obligations of NNAs and NEPs. Lastly, the Secretariat provided an overview of the transparency timeline, from the drafting of a regulation to its entry into force.

3.4. In response to queries, the Secretariat clarified that the process for receiving and responding to comments was bilateral. Comments of general interest could be circulated through a G/SPS/GEN series document. If substantive changes were made to the original notification, a revision could be submitted. Furthermore, the Secretariat explained that although counter-notifications did not exist under the SPS Agreement, it was possible to raise concerns regarding another Members' measure by raising a specific trade concern in the SPS Committee. One Member noted that it usually contacted NEPs to request the notification of SPS measures. Finally, the Secretariat confirmed that special and differential treatment notifications, if submitted, would be included in the annual report on the implementation of the transparency provisions.

3.2 Session 2: WTO Sources of SPS Information

3.5. **Session 2** provided participants with a detailed overview of different sources of SPS-related information including the SPS Gateway, the WTO Documents Online application, the WTO Integrated Trade Intelligence Portal (I-TIP), the SPS IMS and the ePing SPS/TBT notification alert system. These sources were presented by two speakers from the WTO Secretariat.

3.6. **Mr Tim Corrigan**, WTO Secretariat, started the presentation with information on the *SPS Gateway,* which is accessible through the WTO website and serves as an entry point to all SPS-related information. In particular, it has web-links to the online SPS tools, documents for SPS Committee meetings, Members' Transparency Toolkit and training material from SPS training events and workshops. Members were also informed that the documents distribution emailing lists maintained by the Secretariat would be replaced by *e-Subscriptions,* which is a restricted email alert service managed by *Documents Online*. Interested Members should contact their permanent mission delegation coordinator to request access.

3.7. Mr Corrigan then provided an overview of the WTO *Documents Online* application, which provides access to all official documents circulated by the WTO since 1995. Different search interfaces allow retrieving any document, including SPS-related ones. All information is public, except for restricted documents, which can be accessed with Members' login names and passwords. Next, a brief introduction to the *WTO Integrated Trade Intelligence Portal for Goods* (I-TIP Goods) was provided. I-TIP Goods is a comprehensive, analytical and easy to use online tool, which is publically available and provides a unified point of access to all relevant WTO trade policy information on goods covering both tariffs and non-tariff measures (NTMs), including SPS.

3.8. Mr Corrigan then introduced the SPS IMS[5], which aims to help NNAs and NEPs, as well as other interested stakeholders, to keep abreast of new or modified SPS measures. Since 1995, over 22,000 SPS notifications had been submitted along with over 4,500 other SPS documents and 434 specific trade concerns (STCs). The SPS IMS facilitates streamlined searching and reporting on SPS notifications, STCs and other SPS documents according to a wide range of criteria. It also includes the most up-to-date information available to the Secretariat on the contact details of Members' NNAs and NEPs.

3.9. Mr Corrigan also provided information on the new and improved version of the SPS IMS, launched in March 2017. The new version replaced outdated software, aligned with other systems (e.g. the TBT IMS) and included streamlined functionalities. Other added features included an interactive dashboard particularly for STCs, which could be used to create graphs and charts; a customized search function with SPS-specific keywords to facilitate searching; and a feature to generate reports based on customized criteria.

3.10. **Ms Serra Ayral**, WTO Secretariat, presented on ePing.[6] Ms Ayral recalled that during the 2015 October Transparency workshop, the UN Department of Economic and Social Affairs (UNDESA) had presented on the ePing Toolkit project for accessing SPS and TBT notifications and alerts, initiated in light of needs identified in LDCs. In December 2015, the TBT Committee requested the WTO Secretariat to develop an online notifications alert system, in co-operation with other organizations. In response, the WTO Secretariat joined forces with UNDESA and ITC for the development and maintenance of a new SPS/TBT notification alert system called ePing. The system, publicly available in English, French and Spanish, was launched in November 2016.

3.11. Ms Ayral highlighted the two core functions of ePing: (i) Access to information – registered users could receive emails alerts of SPS and/or TBT notifications, based on criteria such as products covered or exports markets; and (ii) Communication – the Enquiry Point Management tool and discussion fora facilitated dialogue among public and private stakeholders.

3.12. As of October 2017, ePing had over 2,700 registered users, with equal representation from the public and private sectors. Australia and Uganda, which pilot-tested the system, had now replaced their national outreach systems with ePing. In concluding, Ms Ayral noted that ePing aimed at detecting potential trade problems at an early stage, thus enabling a timely solution. Additional information was available in the results of the ePing user survey conducted in February 2017.[7]

3.13. In response to queries, the Secretariat clarified that *Documents Online* was the principal source of WTO documentation; all other systems drew information from it. However, information on STCs and contact information of NNAs and NEPs entered by the Secretariat was only available in the SPS IMS.

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[5] http://spsims.wto.org/.
[6] www.epingalert.org.
[7] G/SPS/GEN/1569 and G/TBT/GEN/227/Rev.1.

3.3 Session 3: Practical Session on the Use of the Improved SPS IMS

3.14. Participants were able to try out the *improved* SPS IMS system in working sessions held in English, French and Spanish. In these groups, participants were able to familiarize themselves with the different functions of the system by being given a hypothetical scenario of a cocoa exporting country wishing to obtain relevant information. This included conducting searches of:

    a. SPS notifications: participants learned how to look for a specific notification, how to find notifications made by a specific country, how to find notifications covering a specific product, how to find notifications relating to a specific issue (e.g. contaminants), and how to customize a search;

    b. SPS documents: participants learned how to find documents produced by the WTO Secretariat, how to find documents submitted by Members and Observer Organizations, and how to find documents concerning a specific issue (e.g. private standards);

    c. Specific trade concerns (STCs): participants learned how to access information related to an STC, how to identify STCs raised in relation to specific Members or products; and

    d. Information on NNAs and NEPs: participants learned how to create contact lists of NNAs and NEPs with the use of the predefined reports function, and how to find their contact details (e.g. address and phone number).

3.4 Session 4: Practical Session on the use of ePing

3.15. In the same groups, participants were able to familiarize themselves with the different features of the ePing SPS/TBT notification alert system. More specifically, participants engaged in the following:

    a. Registering and receiving notification alerts, including how to define e-mail and topic preferences;

    b. Searching notifications and creating filters for additional alerts, including saving the search criteria as a filter (e.g. food safety related notifications from Australia on salmon);

    c. Exploring additional features related to notifications (e.g. accessing notifications in multiple languages, file sharing, favourites list and notification sharing); and

    d. Using the Enquiry Point Management Tool to activate discussion fora, sharing files (e.g. translations) and managing national users.

3.16. In response to questions, the Secretariat clarified that NNAs and NEPs could request ePing administrator's rights by e-mail. While the interface remained available in English, French and Spanish, users could use their local language to share files or communicate through the national discussion fora. Additional training on ePing could be requested through the ITTC Division of the WTO.

3.5 Session 5: New Trade Facilitation Obligations in the SPS Area

3.17. **Ms Sun Hydén Biney**, Senior Trade Policy Advisor for SPS issues at the Swedish National Board of Trade, gave an overview of a study undertaken by the Board on the new obligations in the SPS area arising out of the WTO Agreement on Trade Facilitation (TFA), which came into effect on 17 April 2017.[8] In the introduction, Ms Biney highlighted that the TFA allowed for its stepwise implementation by developing country Members according to their capacities and assistance needs. The main purpose of the TFA was to reduce inefficiencies and costs related to information requirements and control procedures. Ms Biney recalled that even though there were overlapping areas between the TF and SPS Agreements, it was clearly stated in the TFA that nothing it

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[8] https://www.kommers.se/In-English/Publications/2017/New-Trade-Facilitation-obligations-in-the-SPS-area/.

contained should be interpreted as diminishing Members' rights and obligations under the SPS Agreement.[9]

3.18. The study analyzed 25 SPS-related components of the TFA, some adding new obligations, others reinstating and/or clarifying existing obligations in the SPS Agreement. The 25 components could be categorized into five pillars: Transparency, Simplification, Harmonization, Standardization and Coordination. For example, the obligations of reviewing formalities and document requirements, ensuring consistent and uniform application throughout a Member and periodic review of fees and charges fell under the standardization pillar, whereas the obligations to allow for SPS pre-shipment inspections, and to permit importers to return rejected consignments or send them to another destination within a reasonable period of time would be categorized under the simplification pillar.

3.19. Ms Biney addressed three possible ways to facilitate implementation of these obligations: (i) raise awareness of SPS controls; (ii) formalize cooperation, consultation and coordination between customs and SPS border authorities; and (iii) adopt a business perspective when producing information. To illustrate practical implications of the TF and SPS Agreements, Ms Biney presented the procedure to import cut flowers from Ethiopia into Sweden, highlighting possible areas for improvement.

3.20. In response to questions, the Secretariat clarified that the TFA required the establishment of a national committee to facilitate domestic coordination and implementation of its provisions, whereas such an obligation did not exist in the SPS Agreement.

3.6 Session 6: Implementation of the Transparency Provisions

3.21. **Mr Rolando Alcala**, WTO Secretariat, presented on Members' level of implementation of the transparency provisions and recommendations based on the latest annual report circulated in document G/SPS/GEN/804/Rev.10. Charts, graphics and statistics were used to reflect information from 1995 until mid-September 2017.

3.22. In terms of notifications, one could observe a general upward trend in the number of notifications over the years, and in particular from developing country Members. Considering all types of notifications together, as of mid-September 2017, Members had submitted a total of 21,888 notifications since 1995, 55% of which had been submitted by developing country Members. Two Members had notified for the first time in 2017: Rwanda and Seychelles.

3.23. Considering the relevance of international standards, the Secretariat recalled that the Recommended Transparency Procedures encouraged Members to notify all regulations that were based on, conformed to, or were substantially the same as an international standard, guideline or recommendation, if they were expected to have a significant impact on trade of other Members. Between 16 September 2016 and 15 September 2017, almost 50% of the regular notifications and more than 90% of the emergency notifications had identified a relevant international standard, of which 87% and 99% respectively had indicated conformity of the measure with the relevant standard.

3.24. During the past year, approximately a quarter of regular notifications had provided specific dates in the fields "proposed date of publication", "proposed date of adoption" and "proposed date of entry into force". The recommended 60-day comment period checkbox had been selected in 47% of regular notifications.[10]

3.7 Session 7: Overview of the Improved SPS NSS

3.25. This session focused on the fulfilment of one of the obligations contained in the transparency provisions: notifying SPS measures, whether new or modified. The Secretariat noted that notifications were mostly submitted by e-mail or through the SPS Notification Submission System (SPS NSS). The system made the processing of notifications easier and substantially faster

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[9] Paragraph 6 of Article 24 of the TF Agreement.
[10] 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 a 60-day comment period should be provided.

for both, Members and the Secretariat. Notifications were also more accurate and complete. As of September 2017, 78 Members had been given access to this system and 41 had used it at least once.

3.26. The Secretariat presented the improved SPS NSS, which was more user-friendly, replaced outdated software from the previous version, was based on updated technology in line with other in-house applications such as the SPS/TBT IMSs, and had streamlined functionalities. This was followed by a step-by-step explanation of how to draft and submit a notification through the system.

3.27. The Secretariat informed that the SPS IMS and SPS NSS user's guides would be released in the three WTO working languages in 2018.

3.8 Session 8: Practical Session on the use of the improved SPS NSS

3.28. As with the SPS IMS and ePing systems, participants had the opportunity to use the improved SPS NSS in a hands-on exercise in three language groups. Participants used the training site to produce a fictional regular notification based on the hypothetical scenario of a government seeking to harmonize maximum levels of food additives in cocoa with the relevant international standard.

3.9 Session 9: Sharing of National Experiences and Best Practices in Public Consultations

3.29. The second day of the Workshop started with a two-part session on sharing national experiences and best practices in public consultations. Part I highlighted relevant international work on models and mechanisms for public consultations in SPS rulemaking, and Part II focused on sharing domestic experiences in conducting public consultations.

3.30. **Part I** started with **Ms Mariana Karttunen**, Policy Analyst, Regulatory Policy Division, Public Governance Directorate, OECD, presenting on *Stakeholder Engagement in Regulatory Policy*. Ms Karttunen noted that stakeholder engagement was a key pillar in policy making to ensure quality. Although it could be perceived as a process slowing down government activities, Ms Karttunen highlighted that public consultations helped getting well-informed inputs to address citizens' needs, improving compliance and strengthening decision-making legitimacy. She elaborated on stakeholder identification and on the most effective processes or combined processes to engage them. Ms Karttunen also shed light on ways to engage with stakeholders throughout the regulatory policy cycle, not only at initial or final stages. In conclusion, she highlighted the importance of effective and meaningful stakeholder engagement for evidence-based policy making.

3.31. **Mr Alfredo Gonzalez Briseno**, Regulatory Governance Specialist, World Bank Group presented on *Online Public Consultations: From Concept to Implementation with results that Matter*. Mr Briseno started with an overview of the World Bank Group's Good Regulatory Practices Program, which focussed on three main concepts; transparency, dialogue and effectiveness; and included online tools intended to support general public participation in rulemaking. Benefits of online public consultation included: it was a cost-effective way of reaching broader audiences; readily available round-the-clock; and left online evidence of the consultation process. To promote public use of Members' websites for notice and comments, Mr Briseno suggested increasing awareness about these websites, offering simpler ways of participation for example through social media, simplifying information, and ensuring the transparency of the process.

3.32. **Ms Roziana Othman**, Senior Manager, Smart Regulation, Malaysia Productivity Corporation, presented on *Malaysia's Experiences in Establishing a Mechanism for Public Consultation in the Rule Making Process*, providing both a national perspective and an APEC perspective. Ms Othman explained Malaysia's regulatory reform since 2005, aimed at developing and implementing domestic regulations to reinforce accountability, transparency and evidence based decision-making in the rule-making process. Ms Othman highlighted the main issues and challenges faced by Malaysia and other APEC Economies, and presented some of the recommendations resulting from the implementation of the Regulatory Impact Analysis (RIA) tool and the 2016 final report on Good Regulatory Practices (GRP) in APEC. In particular, to collaborate

with international organizations on the development of innovative public consultation mechanisms and to build on existing consultation methods and international transparency principles to improve effectiveness of the consultation process.

3.33. In response to queries and comments, the speakers clarified that various mechanisms could be adopted for online public consultations, such as filling out questionnaires or using blogs to comment on the proposed measure. Options also depended on the stage of the regulatory process at which consultations were taking place. For Members that were still in the initial stages of integrating public consultation in policy-making processes, one key recommendation was to find ways to align domestic consultation processes with those required by the WTO in order to maximize the benefits of comments received from abroad. Having a single, unified website or portal also was highlighted as being useful in conducting and managing a consultative process. Other suggestions included overcoming the fear of receiving negative feedback and incorporating regulatory impact assessment tools into policy-making.

3.34. **Part II** of this session was conducted in a round table setting and speakers shared their experiences in conducting public consultations when developing SPS regulations. More specifically, the discussion revolved around the following topics: (i) functioning of the process; (ii) stakeholders involved (public and private); and (iii) channels used to disseminate information.

3.35. **Ms Kristen Hendricks**, Food Safety and Inspection Service (FSIS), US Department of Agriculture, described the process of public consultations in the United States, which entailed publication of draft measures in the federal register (http://www.regulations.gov), as well as notification to the WTO as appropriate. Usually, a 60-day comment period was provided with possible extension in certain circumstances. All stakeholders were encouraged to comment and all comments were weighed on their merit irrespective of their source. The final measure was also published together with an explanation on how comments had been considered. Ms Hendricks stressed the importance of a publicly available single website in this process.

3.36. **Mr Edgar Osmar Gomez Garavito**, Negotiating Advisor on Sanitary and Phytosanitary Measures, Ministry of Economy, Guatemala, explained the process of developing regulations in Central America. The Central American Integration Council of Ministers adopted an annual action plan, which included draft regulations for negotiation among the six Central American Countries and adoption of final texts by consensus. Central American regulations, replacing national ones, were then individually notified to the WTO on similar dates. National and WTO consultations took place in parallel. Information on measures was made available through news items and publication on the website of relevant ministries. A matrix of all comments received was prepared and made publicly available. The measure was finalized after thorough discussions of comments received in the Council of Ministers.

3.37. **Ms Zhang Rong,** Senior Agronomist, AQSIQ, acting as WTO/SPS National Notification and Enquiry Centre, provided an overview of the public consultation process in drafting regulations in China. At the drafting stage, all stakeholders, public and private, were invited to submit comments in writing or orally during meetings. Subsequently, at the review stage, public consultations were carried out during symposiums, discussion meetings and oral hearings. Draft regulations considered to have a significant effect on trade were also notified to the WTO. For new or revised food safety regulations, engagement of stakeholders was of prime importance; standard-setting organizations were invited to provide comments; and draft texts published on the website of the National Health and Family Planning Commission for comments.

3.38. **Ms Tugba Adiguzel Kargin**, European Union Expert, General Directorate of EU and Foreign Affairs, Ministry of Food Agriculture and Livestock, highlighted that the two main regulations that laid down the process of drafting legislations in Turkey required public consultations. Relevant stakeholders (public, private, academia, NGOs) were consulted at various stages of the drafting process. Food safety regulations represented 95% of Turkish SPS notifications. The two-stage process consisted of: (i) drafting legislation by sub-committees including relevant stakeholders; and (ii) enactment by the National Food Codex Commission, including representatives from the Ministry of Food, Agriculture and Livestock, universities, national standard-setting institutions and NGOs. Ms Kargin explained that the Minister sent letters of invitation to stakeholders to participate in the sub-committees. The final legislation was published on the Ministry's website and disseminated to the target audience through official letters, the internet, the office of the press

counsellor and through press releases. Comments received were reviewed, and reasons for considering them (or not) provided.

3.39. **Dr Nurten Aksu**, Engineer, General Directorate of Food and Control, Ministry of Food Agriculture and Livestock, listed out a few challenges faced by Turkey in public consultations: (i) the time-consuming nature of evaluating comments received; (ii) differentiating objective comments from opinions motivated by other interests; and (iii) difficulties in reaching out to relevant experts that needed to be involved in the drafting process.

3.40. In a second round of discussions, speakers focused on ways to evaluate the public consultations process.

3.41. **Mr Jay Mitchell**, Animal and Plant Health Inspection Service (APHIS), US Department of Agriculture, noted that success of public consultations relied on accountability and transparency. The United States highly valued comments received. Two examples illustrated successful consultations by improving draft legislation: (i) the amendment of the underlying risk analysis and pest lists for the import of avocados from Mexico; and (ii) the change of record keeping requirements on establishments and retail stores grinding raw beef products.

3.42. **Ms Zhang** observed that, for ministry level or for national food safety standards, comments received and reasons for considering them (or not) were included in an explanation note, which was a key element for passing legislation. **Mr Garavito** noted that a large number of observations received could indicate the need for significant changes in the draft measure. **Dr Aksu** noted that indicators of success were the number, the content and the usefulness of the comments received, and **Ms Kargin** highlighted that the key to fruitful public consultations was awareness amongst stakeholders. The use of new techniques could help to overcome challenges earlier identified.

3.43. During a question and answer session, comments were made on several topics, such as: (i) government criteria to distinguish evidence-based comments from others and carrying out background research when contradictory comments were received; (ii) the importance of building trust with stakeholders; (iii) remuneration of technical experts for drafting or reviewing regulations; and (iv) challenges in reconciling public consultations with WTO obligations.

3.10 Session 10: What Actions Could Improve the Implementation and Benefits of SPS Transparency Provisions

3.44. In this session, brief presentations were made on three topics, after which the participants broke into three groups to further discuss one or more of these topics.

3.45. **Ms Sally Jennings**, Senior Policy Analyst at the Ministry for Primary Industries in New Zealand, presented on *Decision criteria: what to notify and when*. She explained that a notification was made to the WTO whenever an international standard or guideline did not exist, the content of the SPS regulation was not substantially the same as that of an international standard, guideline or recommendation and if the measure had a significant effect on trade. Moreover, the timeline prescribed in the SPS Agreement needed to be followed if and when a notification was sent. In case of doubt on whether a particular measure should be notified or not, Ms Jennings advised to notify it anyway.

3.46. **Ms Roxana Inés Vera Muñoz,** Sub-departmental Chief at the International Affairs Division of the Chilean Agricultural and Livestock Service, presented on *How to manage the volume of notifications on which to comment,* based on Chile's experience. Ms Muñoz explained that different authorities coordinated amongst themselves to share information. A specific department had been created to manage notifications-related matters, including filtering, circulating and following-up on notifications of interest to public and private stakeholders, and receiving comments on Chilean notifications.

3.47. **Ms Kristina Hartling**, Deputy Director, Trade Agreements Division, Canadian Food Inspection Agency, presented on *Consultations with government and non-government stakeholders on foreign SPS notifications*. Ms Hartling stressed that transparency through collaboration with trading partners, federal departments, industry and consumers was key to

foster safe and predictable trade. Canada used a two-phased approach – immediate outreach followed by targeted stakeholders' consultations.

3.48. Participants engaged in group discussions on the above-mentioned topics. These discussions proceeded in four groups (two in English, one in French and one in Spanish). Each group was assigned two topics for discussion. Rapporteurs from each group reported on the main issues identified and possible solutions to the plenary.

3.49. English-speaking group A first discussed *Decision criteria: what and when to notify*. The group agreed that consistent training and capacity building could be a solution to the biggest challenge, i.e. lack of awareness and means to notify. Secondly, the group discussed *How to manage the volume of notifications on which to comment*. The main issue identified was the lack of clarity of certain notifications or missing information, such as translations of measures in non-WTO languages or the full text of the measure. As a possible solution, Members should encourage stakeholders to make use of readily available online tools like the SPS IMS, ePing, e-training materials and set up SPS coordination groups including NEPs.

3.50. English-speaking group B first discussed *Consultations with government and non-government stakeholders on foreign SPS notifications*. The group identified some of the main issues, including how to best engage with industry, how to tackle the lack of comments from stakeholders, how to handle inputs from stakeholders not in line with domestic practice, and how to access notified texts and translations. Possible solutions included: (i) organizing meetings with stakeholders to collect their comments; (ii) encouraging stakeholders to use existing information systems to track measures; and (iii) encouraging Members to develop a single window for information sharing. Secondly, the group discussed *Decision criteria: what and when to notify*. It was suggested that, in case of doubt on whether to notify a measure that might not have a "significant" impact on trade, to notify it anyway.

3.51. The French-speaking group discussed *Consultations with government and non-government stakeholders on foreign SPS notifications*. The issues included lack of coordination between different SPS actors, the large volume of notifications and/or comments, insufficient technical staff, identification of stakeholders and lack of financial resources. Possible solutions included encouraging the use of ePing, identifying stakeholders at the national level, strengthening SPS actors' capacity, and enhancing communication.

3.52. The Spanish-speaking group discussed *How to manage the volume of notifications on which to comment*. Issues identified included missing relevant notifications, wasting time for collecting and providing comments due to government bureaucracy, and difficulties in obtaining translations. Then, the group presented possible solutions to these issues: filtering notifications based on business relationships, using STDF materials, requesting time extensions for submitting comments and encouraging Members to provide unofficial translations.

3.53. The group presentations were followed by questions and comments which generated interesting discussions on some of the possible solutions identified.

3.54. In his concluding remarks, the Chairperson highlighted the high level of participation and interaction in all sessions of the workshop. He announced his intention to provide a brief report of the workshop to the SPS Committee. He invited participants to reflect on the suggestions made, which could inform future discussions in the Committee.

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