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Working Party on the Accession of Timor-Leste

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ACCESSION OF TIMOR-LESTE

CHECKLIST OF ILLUSTRATIVE SANITARY AND PHYTOSANITARY (SPS) ISSUES FOR CONSIDERATION IN ACCESSIONS

Revision

The following submission, dated 29 July 2022, is being circulated at the request of the Delegation of the Democratic Republic of Timor-Leste.

Commitments (by the time of accession)	WTO Reference	Current status and legislative plans
1. Standstill: the introduction of new standards, animal health regulations and food safety regulations shall conform to SPS Agreement principles.	1. Generally agreed principle in WTO accession negotiations.	<p>The Government of Timor-Leste is committed to the introduction of new standards, animal health regulations and food safety regulations in conformity with the SPS Agreement principles, as well as to the adoption of SPS-related laws in conformity with the Agreement and based on the international standards, guidelines and recommendations developed by the Codex Alimentarius Commission, World Animal Health Organization (OIE), and the International Plant Protection Convention (IPPC).</p> <p>In this context, the Government of Timor-Leste has developed new SPS-related legislation: draft Decree-Laws on "Animal Health and Quarantine" and "Plant Health and Quarantine" (provided to the Working Party¹) that are based on the standards referred above. The Government is committed to enact these Decree-Laws in 2022.</p> <p>In terms of implementation, the Government of Timor-Leste would like to request for a 5-year implementation period (until 2027). Please refer to document WT/ACC/TLS/12 for the 5-Year Action Plan for the Implementation of the SPS Agreement.</p>
2. Establishment and operation of a single Contact Point for Information ("enquiry point").	2. Article 7, Annex B.3.	<p>The Government of Timor-Leste has established a Contact Point for Information ("enquiry point") that is currently in based in the Ministry of Agriculture and Fisheries, under the Plant Protection Officer, with the following contact point:</p> <p>a) Chief Veterinary Officer (CVO):</p> <p>Name: Joanita Bendita da Costa Jong, DVM (Ms)</p> <p>E-mail address: katitadog_2001@yahoo.com/lihirika@gmail.com</p> <p>Contact information: +670-77546394</p> <p>Position: National Director of Veterinary/ OIE Permanent Delegate, Ministry of Agriculture and Fisheries</p> <p>Address: Presidente. Nicolao Lobato, No 5 Comoro, Dili, Timor-Leste</p> <p>b) Plants:</p> <p>Name: Americo Alves Brito (Mr)</p> <p>E-mail address: bamerico@hotmail.com or amercioalvesbrito@yahoo.com</p> <p>Position: Chief of Department for Plant Protection, Department of Plant Protection for Agriculture and Horticulture, the National Directorate of Agriculture and Horticulture, Ministry of Agriculture and Fisheries</p> <p>Address: Presidente Nicolao Lobato, No 5 Comoro, Dili, Timor-Leste</p> <p>For other SPS measures, such as on food safety, the designated enquiry points coordinate with the Ministry of Health, the Authority for Inspection and Supervision of Economic Activity and Food Safety (AIFAESA) and the Quality Institute of Timor-Leste (QITL) to facilitate their input on the subject matter.</p>

¹ See Notice of Legislation in document WT/ACC/TLS/5.

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3. Transparency: notification and access to documentation:	3. Article 7, Annex B, and G/SPS/7.	All the Government legislations, including SPS-related legal acts, can be found at the Government official <i>Journal of the Republic</i> gazette through the following link: http://www.mj.gov.tl/jornal/?q=node/13
(a) identification of authority responsible for making notifications to the WTO and ensuring transparency obligations are met on an ongoing basis;	(a) Annex B.5(b) and Annex B.10.	The authority responsible for making notifications to the WTO and ensuring that transparency obligations are met is based in the Ministry of Agriculture and Fisheries under the Directorate for Veterinary and Department of Plant Protection.
(b) establish guidance or law requiring publication of proposed measures at an early stage for comment;	(b) Annex B.5(a).	The Government of Timor-Leste will be fully committed to develop a guidance or law requiring publication of proposed measures at an early stage for comments. The authority in charge in establishing the guidance is based in the Ministry of Agriculture and Fisheries, under the Judicial Department.
(c) provision in law or administrative procedure to provide copies of proposed measures to WTO Members; and,	(c) Annex B.5(c).	The Government of Timor-Leste will be fully committed to provide copies of any proposed SPS-related measures to Members through developing a provision in law or an administrative procedure.
(d) require in law or administrative procedure, a reasonable period of time for comment from Members and the public, and establishment of a process to take comments into account without discrimination.	(d) Annex B.5(d).	The Government of Timor-Leste will be fully committed to adopt a law or an administrative procedure which will provide a reasonable period of time for comment from Members and the public, and establishment of a process to take comments into account without discrimination.
4. Necessity: measures are applied only to the extent necessary to protect human, animal or plant health.	4. Article 2.2.	<p>The Government of Timor-Leste will be fully committed to apply SPS-related measures to the extent necessary to protect human, animal or plant health.</p> <p>Article 18(c)(d) of the draft Decree-Law on "Animal Health and Quarantine" provides that animal health measures approved by the Veterinary Authority shall be necessary to achieve Timor-Leste appropriate level of animal health protection and be the least-trade restrictive option that achieves this.</p>

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5. Regulations based on science: regulations governing animal and plant health and food safety shall be based on scientific evidence.	5. Articles 2.2, 3.3 and 5.2.	The Government of Timor-Leste will be fully committed to base regulations governing animal and plant health and food safety on scientific evidence.
6. Harmonization: to the extent possible, members shall follow international standards, guidelines, and recommendations in establishing SPS measures.	6. Article 3.1, 3.3 and 3.4.	<p>The Government of Timor-Leste will be committed to follow international standards, guidelines, and recommendations in establishing SPS measures, to the extent possible.</p> <p>Article 18(a) of the draft Decree-Law on "Animal Health and Quarantine" provides that animal health measures approved by the Veterinary Authority shall be harmonized with the international standards.</p>
7. Equivalence: members shall recognize different measures that achieve the same level of protection.	7. Article 4.	<p>The Government of Timor-Leste will be committed to recognize different measures that achieve the importing Member's appropriate level of protection.</p> <p>Article 25(a) of the draft Decree-Law on "Animal Health and Quarantine" authorizes the Veterinary Authority to negotiate bilateral and multilateral agreements, for the evaluation, and where feasible, the acceptance of alternative animal health measures proposed by an exporting country's Veterinary Authority as being equivalent to the animal health measures required by the Timor-Leste Veterinary Authority.</p> <p>As Timor-Leste seeks a transition period to build capacity and achieve full compliance with the SPS Agreement by 2027, effort will be made to achieve full consistency with the SPS Agreement (including Article 4) and the relevant decisions of the WTO SPS Committee on Equivalence.</p>
8. Risk Assessment: developing scientific evidence and conducting risk assessments to ensure that measures are based on science and applied only to the extent necessary to protect health.	8. Article 5.1, 5.2 and 5.3.	<p>The Government of Timor-Leste will be committed to using and, as needed, developing scientific evidence as well as conducting risk assessments to ensure that measures are based on science and applied only to the extent necessary to protect human, animal or plant life or health.</p> <p>Article 18(b)(e) of the draft Decree-Law on "Animal Health and Quarantine" provides that animal health measures approved by the Veterinary Authority shall be based on risk analysis or risk assessment and science-based actions and be proportional to the risk to animal health.</p>
9. Regional conditions: measures take into account the regional characteristics both of the areas from which products originate and the areas for which they are destined.	9. Article 6 and Annexes A.6 and A.7.	The Government of Timor-Leste will be committed to ensure that SPS-related measures take into account the regional characteristics both of the areas from which products originate and the areas for which they are destined in the application of these measures.

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10. Non-discrimination: measures do not arbitrarily or unjustifiably discriminate between different members or between domestic and foreign suppliers.	10. Article 2.3 and Annex C.1(a) and (d).	The Government of Timor-Leste will be committed to not arbitrarily or unjustifiably discriminate between different Members and between domestic and foreign suppliers in the application of these measures.
11. Control, inspection and approval procedures: ensure that procedures, including systems for approval of the use of additives or for establishing tolerances for contaminants in foods, beverages or feedstuffs comply with the SPS Agreement.	11. Article 8 and Annex C.	The Government of Timor-Leste will be committed to ensure that procedures, including systems for approval of the use of additives or for establishing tolerances for contaminants in foods, beverages or feedstuffs comply with the SPS Agreement.