



SPS Transparency
Workshop
12-13 October 2015



WTO OMC



Session 1:

Overview of the transparency provisions



WTO OMC

Key Provisions: SPS Agreement



1. Non-discrimination
2. Scientific justification
 - harmonization
 - risk assessment
 - consistency
 - least trade-restrictiveness
3. Equivalence
4. Regionalization
- 5. Transparency**
6. Technical assistance/special treatment
7. Control, inspection and approval procedures



Why Transparency?



- Enhance clarity, predictability
 - facilitate trade & reduce trade disruptions
- Regulatory requirements
 - changes may affect market access
- Advance warnings
 - more time to adapt
- Improve accountability & responsiveness of regulatory system
 - seek info, consult, comment

Transparency Elements



■ Obligations

1. Notification of draft SPS regulations
2. Designation of notification authority
3. Establishment of enquiry point
4. Publication of SPS regulations

■ Beyond obligations

- Taking advantage of notifications



Transparency: Reference Documents

- **SPS Agreement: Article 7 & Annex B**
- **SPS Committee Decision: G/SPS/7/Rev.3**
 - « Major Decisions and Documents »
- *Procedural step-by-step manual (for NNA)*

SPS Agreement:
Article 7
Annex B

G/SPS/7/Rev.3

1. Notification of draft SPS regulations: What to notify?



**2008
Transparency
Procedures**



**Same as
International
Standard**



1. Notification of draft SPS regulations: When to notify?



Regular notifications

shall be made at an early stage when amendments can still be introduced and comments taken into account before an SPS regulation is finalized.

60-day comment period.

Emergency measures

IMMEDIATELY!!



1. Notification of draft SPS regulations: Which Formats?

- In addition to original notifications (whether Regular **OR** Emergency)
- Members can provide additional information or changes to an original notification:
 - **Revision** – replacement of original notification
 - **Addendum*** – changes/updates
 - **Corrigendum*** – correct an error
 - **Supplement*** – availability of translation

**Read in conjunction with original notification.*



1. Notification of draft SPS regulations: How to access translations of regulations?

- Upon request, **developed** countries to provide regulation or its summary in **English, French, or Spanish**
- Members encouraged to share unofficial translations with each other – **supplement** format



1. Notification of draft SPS regulations: Where to find the notification formats?

- G/SPS/7/Rev.3 – SPS Committee Guidelines on Transparency
- WTO website - SPS Gateway: www.wto.org/sps
- SPS Information Management System (SPS IMS)
<http://spsims.wto.org>
- SPS Notification Submission System (SPS NSS)
<https://nss.wto.org>



1. Notification of draft SPS regulations: How to share text of draft SPS regulations?

Full texts of draft regulations

- Submit in PDF format to WTO
- Provide specific website address in notification



1. Notification of draft SPS regulations: Recommended Procedures

G/SPS/7/Rev.3 (Operational since 01-Dec-08)

- Notify measures based on international standards
- Default choice – 60 day comment period
- Identify date of publication
- Date of entry into force – 6 months after date of publication



What else to notify?

- **Recognition of equivalence:** measure recognized, products covered (G/SPS/7/Rev.3 – specific format, G/SPS/19/Rev.2 – implementation of Article 4)
- **Special and differential treatment:** difficulties with notified measure (G/SPS/33/Rev.1 – specific format)
- **Regionalization:** request and/or determination (G/SPS/48 – no specific format)

2. Designation of NNA - Who notifies?



National Notification Authority

- Single central government authority responsible for the implementation of notification procedures e.g., agency responsible for food safety, animal and plant health
- Only one NNA

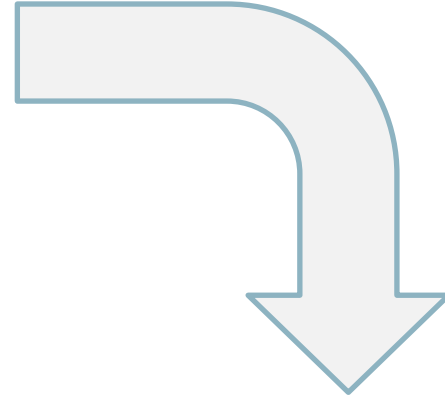


2. Designation of NNA – Tasks?

- Notifies other Members through WTO at an early stage (or immediately for emergency measures) to allow for comments/amendments
- Provides copies of proposed regulations upon request
- Ensures that comments are handled correctly

2. Designation of NNA – To whom should notifications be sent?

- Fax (+41 22 739 5638)
- E-mail (crn@wto.org)
- Online (SPS NSS)



**Central Registry of Notifications
(CRN)**



Circulation of the notification



3. Establishment of Enquiry Point

- Provides answers to all reasonable questions from interested Members and relevant documentation
 - Can be same as NNA
 - Can have more than one but clearly define responsibilities



3. Establishment of Enquiry Point – All reasonable questions?

Regarding...

- SPS regulations, draft or adopted
 - Inspection procedures, etc.
 - Risk assessment
-
- Reply within 5 working days... or
 - Provide an estimate of time for the reply

EP vs. NA



Which statement is true?

1. The submission of notifications, provision of answers to all reasonable questions and the provision of relevant documents is the responsibility of the enquiry point.
2. The implementation of the provisions concerning notification procedures falls under the responsibility of a single central government authority (the National Notification Authority).

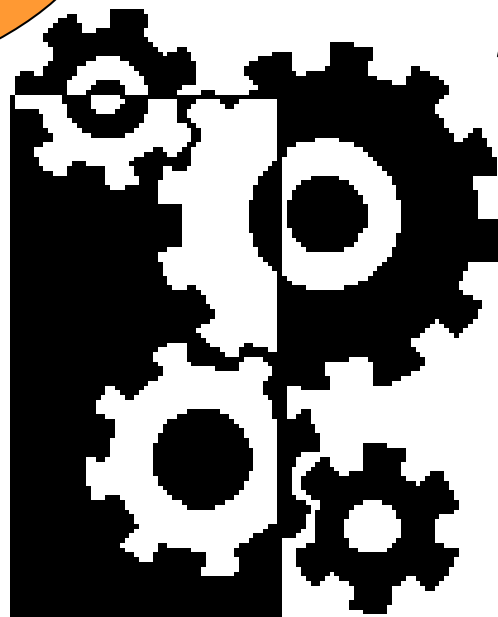
Beyond Obligations - EP or NNA could:



- **Collect/disseminate SPS documents and notifications**
- **Alert relevant government agencies, private sector of SPS notifications that could affect exports**
- **Coordinate comments on other countries' notifications**
- **Follow-up on comments submitted**



Enquiry Point



Other government bureaus
Private sector
Geneva mission
OIE, Codex, and IPPC
WTO Secretariat



4. Publication of SPS regulations

- Members to publish all adopted regulations promptly
- Except in urgent circumstances, allow **reasonable interval** between publication and entry into force
 - Normally entry into force **6 months after date of publication**
 - If trade facilitating, do not delay
(WT/MIN(01)/17, para. 3.2)

Transparency timeline

