

“Incoming Notifications: the Brazilian experience”

*Workshop on Transparency and Coordination
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Transparency

- Transparency is a fundamental principle for the application of the norms of the SPS and TBT Agreements;
- It allows that all Members comment, react and adapt to new regulations on TBT issues and Sanitary and Phytosanitary measures;
- **Notification** of draft regulations;
- **Notification** of published regulations.



Transparency

- Designation of National Notification Authority
 - Ministry of Foreign Affairs - MRE
- Establishment of Enquiry Points (SPS)
 - Ministry of Agriculture, Livestock and Food Supply - MAPA
 - Brazilian Health Regulatory Agency - ANVISA

Incoming
notifications
workflow

MAPA
SPS EP



Technical
services

Private
sector

Incoming notifications workflow

Establishment of
a period to
receive comments

Analysis of
received comments

Proposition of
following actions

Send
comments

Comply/
Alternative
measures

Difficulties faced by Members

- It is not always clear whether a new regulation is under the SPS or TBT scopes;
- What is the matter if a notification is notified to one Committee when it should be notified to another?

Lengthier bureaucratic steps

- Time to communicate to interested stakeholders is lost;
- In Brazil, SPS and TBT clusters are different;
- Time wasted to start procedures for producing and sending comments;
- Time wasted to start internal adaptation procedures or to study alternatives to comply with the new measure.



Clarify and identify

- Even when, at first sight, a technical regulation or conformity assessment procedure seems to be an **administrative procedure**, it could later be considered as a measure under one of the objectives foreseen in the **SPS Agreement**.
- **G/SPS/W/32 - (1995) – Graphs on the coverage of the SPS and TBT Agreements**

Guidance

- **G/SPS/W/17 – Recommended procedures for implementing the transparency obligations**
- **Practical Manual for SPS NNA and SPS NEP**
 - provide guidance

When a regulation contains both SPS and TBT measures, it should be notified according to both the SPS and TBT Agreements



PRACTICAL MANUAL FOR SPS NATIONAL
NOTIFICATION AUTHORITIES AND SPS
NATIONAL ENQUIRY POINTS

2018 EDITION



Food for
thought

**How could WTO help Members to follow
this recommendation?**

Thank you!

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