



WORLD TRADE ORGANIZATION
ORGANISATION MONDIALE DU COMMERCE
ORGANIZACIÓN MUNDIAL DEL COMERCIO

**HOW TO APPLY THE
TRANSPARENCY PROVISIONS
OF THE SPS AGREEMENT**

**A Handbook prepared
by the WTO Secretariat**

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I. INTRODUCTION

1. Under the World Trade Organization Agreement on the Application of Sanitary and Phytosanitary Measures (the SPS Agreement), each Member of the WTO¹ has obligations relating to "transparency" (Box 1). For example, countries are required to publish all sanitary and phytosanitary measures (SPS measures) and notify changes to SPS measures. In implementing the agreement, countries are required to identify a *single* central government authority to be responsible for the notification requirements of the SPS Agreement (the notification authority). Also, countries are required to establish an enquiry point responsible for answering questions from other countries about SPS measures and related issues (the enquiry point).

2. This handbook is meant as a practical guide for governments to facilitate the implementation of the transparency provisions of the SPS Agreement. It deals in most detail with the setting up and operation of enquiry points and notification authorities. While it may be especially useful for developing and least-developed countries (LDCs), it may also be a useful reference for countries that are acceding to the WTO and establishing notification authorities, as well as WTO Members in general.

3. The primary purpose is to provide guidance on the establishment and operation of notification authorities and enquiry points; the handbook does, however, cover all three areas of transparency: the publication of regulations, notifications, and responding to enquiries. The handbook is not intended to provide any legal interpretation of the SPS Agreement and is without prejudice to the rights and obligations of Members under the WTO Agreements.

4. This handbook is a WTO publication produced at the initiative of the WTO Secretariat to assist Members and acceding countries. It has been developed and compiled using a number of resources including:

- (a) the experience of existing notification agencies and enquiry points;
- (b) responses to G/SPS/W/103 - questionnaire on the operation of SPS enquiry points and notification authorities;
- (c) Recommended procedures for implementing the transparency obligations of the SPS Agreement (Article 7) (G/SPS/7/Rev.2); and
- (d) the Decision by the SPS Committee on notification of determination of the recognition of equivalence of SPS measures (G/SPS/7/Rev.2/Add.1)
- (e) the text of the SPS Agreement itself.

5. The WTO Secretariat wishes to express its deep gratitude to the Government of New Zealand for their assistance in developing this handbook.

¹ In this document for the sake of better readability, WTO Members are sometimes referred to as "countries".

Box 1 - The word "Transparency" in the context of the WTO

While the word "transparency" is often used in the context of the WTO it is not specifically defined. In the SPS Agreement it appears in two places, in the title of Article 7 (*Transparency*) and in the title of Annex B (*Transparency of sanitary and phytosanitary regulations*).

The notion of transparency is closely linked to the provisions surrounding notification procedures. In reviewing the SPS Agreement during 1998, the Committee noted that Members had "significantly improved transparency"¹ and that this was illustrated by a progressive and more comprehensive implementation of notification obligations. It is notable that in the WTO Analytical Index² a link is made directly from the term "transparency" to the "notification requirements".

In essence the word transparency in the context of the WTO is used to signify one of the fundamental principles of its agreements: the aim to achieve a greater degree of clarity, predictability and information about trade policies, rules and regulations of Members. In implementing this concept Members use notifications. Under the Agreement on Agriculture, notifications are used to follow the implementation of commitments, *inter alia*, in the areas of subsidies and market access. Under the SPS Agreement, notifications are used to inform other Members about new or changed regulations that affect their trading partners. Transparency under the SPS Agreement also implies answering reasonable questions and publishing regulations.

¹ G/SPS/12, para.6.

² Analytical Index, Guide to GATT Law and Practice, WTO 1995.

II. ESTABLISHING AN SPS NOTIFICATION AUTHORITY AND ENQUIRY POINT

6. The following part of the handbook explains how to establish an SPS notification authority and SPS enquiry point and the resources needed. It also describes the differences between the roles of the two offices.

A. RESPONSIBILITIES OF THE SPS NOTIFICATION AUTHORITY

7. Under the SPS Agreement, countries are required to designate a single central government authority as responsible for implementing, on a national level, the notification requirements of the SPS Agreement. This is the SPS notification authority.

8. The notification authority is responsible for:

- (a) ensuring proposed regulations are published early, to allow for comments;
- (b) notifying other countries through the Secretariat of SPS regulations, using the appropriate notification forms;
- (c) providing copies of proposed regulations on request; and
- (d) ensuring that comments are handled correctly.

1. Choice of agency

9. The task of establishing a notification authority is not very difficult. Most countries already have existing government departments or agencies responsible for handling the areas covered in the SPS Agreement (food safety, animal and plant health measures), or for disseminating government information. One of these agencies can be designated by the government to fulfil its notification obligations. The notification authority must be part of the central government, so this function cannot be carried out at the sub-national level (by a state, provincial or regional agency).

10. Most countries find it most convenient for the notification authority to be operated by the government department that is most concerned with the responsibilities covered by the SPS Agreement (i.e., food safety, animal health, plant health). Even if these functions are the responsibility of more than one government agency, there should be only one SPS notification authority.

11. The notification authority should have access to or have relationships with the technical experts in the sanitary and phytosanitary areas who will be writing regulations (potentially future SPS measures). But it does not need to have such experts on its own staff. The primary role of the notification authority is to oversee the notification process, and scrutinize outgoing notifications to see they are correctly completed.

B. ESTABLISHING AN SPS ENQUIRY POINT

1. Responsibilities of the SPS enquiry point

12. The enquiry point is responsible for answering all reasonable questions and providing relevant documents regarding:

- (a) any sanitary or phytosanitary regulations adopted or proposed within the country;
- (b) any control and inspection procedures, production and quarantine treatment, pesticide tolerance and food additive approval procedures, which are operated within the country;
- (c) risk assessment procedures, factors taken into consideration, as well as the determination of the appropriate level of sanitary or phytosanitary protection;
- (d) the membership and participation of the country, or of relevant bodies within its territory, in international and regional sanitary and phytosanitary organizations and systems;
- (e) the membership and participation of the country in bilateral and multilateral agreements and arrangements within the scope of the SPS Agreement; and,
- (f) the texts of any such agreements and arrangements.

13. Enquiry points should also provide, upon request, information on participation in any bilateral or multilateral equivalence agreements and arrangements.

14. While the notification authority may handle questions on notified draft measures, the enquiry point is responsible for answering questions on all existing SPS measures (even those that existed before the WTO and the SPS Agreement came into force).

2. Choice of agency

15. The enquiry point system was created so that countries could easily obtain information about SPS and related issues, without having to identify and directly contact the agency responsible for any given function in another country. The enquiry point is the single contact point to which any relevant enquiries can be made. It has the responsibility of obtaining the answers from the relevant national bodies and replying to the country making the enquiry.

16. The task of establishing an enquiry point is not a very difficult one. Most countries already have existing government departments or agencies responsible for handling the areas covered in the SPS Agreement, sanitary and phytosanitary measures, or for disseminating government information. The agency designated as the enquiry point should have relationships with officials in the areas of food safety, animal and plant health so that any answers to any requests can be readily obtained. Some countries have indicated a willingness to help developing countries to set up their enquiry points. For more information about this contact the WTO Secretariat (see contact details in paragraph **Error! Reference source not found.**).

17. Some countries have found it an advantage to have the same body operating both the national notification authority and enquiry point. The principal benefit of such an arrangement is to minimize the impact on financial and physical resources and to build up trade policy expertise in this area in a dedicated unit. In addition, it eliminates the need for coordination between the notification authority and enquiry point. A possible downside to this is the workload. While the workload associated with processing and distributing SPS notifications and answering overseas requests is not particularly onerous, depending on the size and workload of the existing body, this could put an additional strain on already finite resources.

18. There are two common choices for selecting an agency to operate the SPS enquiry point:

- (a) an existing standards information office; or
- (b) a government department that is most concerned with the responsibilities covered by the SPS Agreement (i.e. food safety, animal health, plant health).

19. The enquiry point does not necessarily have to be a government office, it could be contracted to an independent body. Nor does the enquiry point necessarily have to have officials who can themselves answer any requests made by other countries. The primary role of the enquiry point is to manage this part of the transparency process: that is, to obtain answers from the relevant government bodies - as quickly as possible - and provide them to the countries requesting the information. Alternatively, the relevant government body could respond directly to the requestor, with the enquiry point providing oversight.

C. LETTING THE WTO KNOW

20. When your country's notification authority or enquiry point has been established, you should inform the WTO of this. The WTO Secretariat should also be informed if the notification authority or enquiry point is changed. The WTO Secretariat regularly circulates a list of all Members' notification authorities and enquiry points. This list is updated three or four times a year. The enquiry points are listed in the G/SPS/ENQ/ document series of the WTO, and the notification authorities are listed in the G/SPS/NNA/ series. Box 2 below contains some examples. To be included in this list, it is useful to provide the following information.

- Contact name
- Name of institution
- Postal address / Physical address
- Phone

- Fax
- E-mail
- Internet address

Box 2 – Examples of notified notification authorities and enquiry points

Examples of notification authorities G/SPS/NNA series	Examples of enquiry points G/SPS/ENQ series
<p>Brazil</p> <p>Secretaria de Defesa Agropecuária (SDA) Ministério da Agricultura e da Reforma Agrária (MAARA) Esplanada dos Ministérios Bloco 'B', Anexo 'B', sala 406 Brasília - DF - 70.170</p> <p>Telephone: + (5561)218 23 14/218 23 15 Telefax: + (5561) 224 39 95 E-mail/Internet: adauto@agricultura.gov.br</p>	<p>Canada</p> <p>Standards Council of Canada 270 Albert Street, Suite 200 Ottawa, Ontario K1P 6N7 Telephone: + (1613) 238 32 22 Telefax: + (1613) 569 7808 E-mail/Internet: info@scc.ca Website: http://www.scc.ca</p>
<p>Zimbabwe</p> <p>Dr. S. Z. Sithole Department of Research and Specialist Services Ministry of Lands and Agriculture Box CY 594, Causeway Harare</p> <p>Telephone: + (2634) 70 03 39/70 45 31 Facsimile: + (2634) 70 03 39 E-mail: plantpro@harare.iafrica.com</p>	<p>Côte d'Ivoire</p> <p>Direction de l'Alimentation et de la Qualité Cité Administrative, Tour C, 11ème étage BPV 84 Abidjan</p> <p>Telephone: + (225)20 21 89 72 E-mail/Internet: daq@africaonline.co.ci</p>

D. RESOURCES

21. As a minimum, the resources needed to operate either the notification authority or enquiry point need not be extensive; often existing office infrastructure and services can be utilized. At the very least, countries should ensure that these facilities have some form of word-processing capability (typewriter or computer), a photocopier and access to postal facilities and a telephone. If possible, countries are encouraged to ensure that the notification authority and enquiry point have access to a fax machine, which will help speed up communication with the WTO Secretariat and other countries.

22. With additional resources, countries can help improve transparency and provide more efficient services to other countries and end-users at home. Countries are encouraged to consider obtaining and using the following resources:

- (a) **E-mail:** Electronic mail is an excellent tool for communication with both other countries and the WTO Secretariat. It allows messages to be received almost instantaneously by the intended recipient and replies can be usually obtained within days depending on the different time zones. The other advantage of e-mail is that it allows documents to be sent and received electronically. This has obvious applications for sending and receiving both notifications and notified documents. Upon request, the WTO Secretariat has begun to circulate notifications electronically (see Box 6 below).
- (b) **Internet:** The Internet is a powerful research tool that can be used for a multitude of purposes. The WTO places all of its documents, , on its website, unless they are restricted, and countries are able to download them at their convenience. There is also a password-protected Members-only website where all document, restricted or

unrestricted, are available. The Internet enables countries to improve transparency by decreasing the time between notifications being made and received by individual countries, which allows countries to respond more quickly. The use of the Internet means that notification authorities do not have to rely on receiving notifications or other documents through slower methods such as post or from diplomatic missions in Geneva. The SPS Committee has encouraged countries to publish their SPS regulations on the Internet, where possible.

23. The WTO Secretariat distributes SPS notifications and other documents to diplomatic missions in Geneva or to capitals. If access to Internet and email facilities is not possible, countries can obtain SPS documents and notifications from their WTO representative (usually the diplomatic mission in Geneva). Each country can also designate one address in the capital to which notifications will be sent by post.

III. OPERATING THE SPS NOTIFICATION AUTHORITY

A. INTRODUCTION

24. The following part of the handbook explains the operation of a notification authority and the major tasks that it handles on a routine basis:

- (a) deciding whether a notification is necessary;
- (b) when to notify;
- (c) writing a notification;
- (d) responding to requests for notified documents;
- (e) following up notifications made by other countries; and
- (f) submissions and comments.

25. The SPS Agreement requires prior notification of proposed SPS measures. The main advantage of this notification system is to make consultation international, by allowing other countries to comment on proposed measures. There is evidence that in countries where a national consultation system did not exist, meeting or complying with the WTO notification requirements contributed to reinforce domestic transparency. Any country proposing to introduce a new SPS measure is, in most circumstances, required to:

- (a) submit a notification through the WTO Secretariat when a new measure is proposed or a measure is changed;
- (b) allow reasonable time for other countries to make comments in writing;
- (c) discuss these comments upon request;
- (d) take the comments and the results of the discussions into account;
- (e) explain to the submitting country how it plans to take the comments into account;
- (f) where appropriate, provide additional relevant information on the proposed SPS measure concerned;
- (g) provide the submitting country with a copy of the text of the corresponding SPS regulations as adopted, or information that no corresponding SPS measure will be put into force for the time being.

26. The SPS notification system also facilitates trade by allowing some lead time before new measures must be complied with (a "no surprises" approach).

27. The SPS Agreement has significantly improved transparency in the application of sanitary and phytosanitary measures. This has been illustrated by the fact that Members are progressively meeting their notification obligations. There has been significant progress made in the establishment of enquiry points and notification authorities. As of September 2002, more than 3,100 notifications had been submitted by 90 countries, and 117 countries had established notification authorities.

28. Sample letters for handling requests for documents are contained in Annex B.

B. MAKING AN SPS NOTIFICATION

1. What to notify

(i) *SPS measures and regulations*²

29. The SPS Agreement states that countries should notify changes to their SPS measures. The subject areas covered by the term "SPS measure" are defined quite specifically (SPS Agreement, Annex A, paragraph 1, see also Box 3). SPS measures are any measure applied:

² The SPS Agreement uses the terms "measures" and "regulations" somewhat interchangeably. Readers should note that regardless of the term used, the Agreement is referring to any sanitary or phytosanitary measure such as laws, decrees, or ordinances applied to protection human, animal or plant life or health as defined under paragraph 1 of Annex A to the SPS Agreement.

- (a) to protect human or animal life or health from risks arising from additives, contaminants, toxins or disease-causing organisms in foods, beverages or feedstuffs;
 - (b) to protect human life or health from risks arising from diseases carried by animals, plants or products thereof, or from the entry, establishment or spread of pests;
 - (c) to protect animal or plant life or health from risks arising from the entry, establishment or spread of pests, diseases, disease-carrying organisms or disease-causing organisms; or
 - (d) to prevent or limit other damage from the entry, establishment or spread of pests.
30. The agreement states that:
- "Sanitary or phytosanitary measures include all relevant laws, decrees, regulations, requirements and procedures including, inter alia, end product criteria; processes and production methods; testing, inspection, certification and approval procedures; quarantine treatments including relevant requirements associated with the transport of animals or plants, or with the materials necessary for their survival during transport; provisions on relevant statistical methods, sampling procedures and methods of risk assessment; and packaging and labelling requirements directly related to food safety."
31. In Annex B of the SPS Agreement the term "regulation" is also used. The scope of what constitutes a regulation is quite broad. SPS regulations are defined as "sanitary and phytosanitary measures such as laws, decrees or ordinances that are applicable generally" (SPS Agreement, Annex B, footnote 5).
32. The SPS Agreement requires countries to notify the WTO of proposed new sanitary and phytosanitary regulations or modifications to existing regulations whenever:
- (a) either an international standard, guideline or recommendation does not exist, or;
 - (b) the content of a proposed SPS regulation is not substantially the same as the content of an international standard, guideline or recommendation, and, in both cases, if;
 - (c) the regulation may have a significant effect on trade of other countries.
- For the sake of improved transparency, some countries also notify regulations which conform to international standards, a practice which is welcomed.
33. All proposed SPS measures which fit the above-mentioned criteria, including generic standards and measures affecting bilateral or plurilateral trade, should be notified to the WTO. An example of a measure affecting only bilateral trade is contained in a notification from Colombia on restrictions of fresh fruit from Brazil.³
34. When a regulation contains both SPS or TBT elements, it should be notified according to both the SPS and TBT Agreements, preferably with an indication of which parts of the regulation fall under SPS (e.g., a food safety measure) and which parts fall under the TBT Agreement (e.g., quality or compositional requirements). An illustration of the distinction between SPS and TBT measures is contained in Box 3.

³

See notification G/SPS/N/COL/32.

Box 3 – The difference between SPS and TBT measures

The TBT Agreement (Article 1.5) states that the provisions of the TBT Agreement do not apply to measures as defined in Annex A of the SPS Agreement. In other words, the measures which fall within the "To protect from?" column below are not covered by the TBT Agreement.

Annex A Definition of SPS Measures

<i>To protect what?</i>	<i>To protect from?</i>
human or animal life	risks arising from additives, contaminants, toxins or disease-causing organisms in their food, beverages, feedstuffs; (contaminants include pesticide and veterinary drug residues and extraneous matter)
human life	plant- or animal-carried diseases (zoonoses);
animal or plant life, including fish, forests and wild animals or plants	pests (including weeds), diseases, or disease-causing organisms;
a country	damage caused by the entry, establishment or spread of pests (including weeds)

35. The TBT Agreement is similar to the SPS Agreement in its content and format. Both agreements promote the use of international standards (harmonization) and the principle of equivalence in the development of non-tariff measures. In implementing these measures, both agreements promote the concepts of non-discrimination and the avoidance of unnecessary obstacles to trade. The transparency provisions are also very similar. The difference between the agreements is primarily one of coverage and the underlying basis for the application of a measure. In general terms, under the TBT Agreement a measure has to be based on a legitimate objective. For example, governments may impose special requirements on imports of armaments (national security) or restrict imports of endangered species (environment), or mandate that labels on cigarette packs should warn consumers of the hazards of the smoking (human health). These are all examples of legitimate objectives which governments use as a basis for requirements on imported products. These measures would not fall within the scope of the SPS Agreement as they do not meet the definition of an SPS measure as set out in Box 3 above.

(ii) *International standard, guideline or recommendation*

36. What constitutes an "international standard, guideline and recommendation" is also quite specifically defined (SPS Agreement, Annex A, paragraph 3):

For food safety:

- (a) the standards, guidelines and recommendations established by the Codex Alimentarius Commission relating to food additives, veterinary drug and pesticide

residues, contaminants, methods of analysis and sampling, and codes and guidelines of hygienic practice⁴;

For animal health and zoonoses:

- (b) the standards, guidelines and recommendations developed under the auspices of the Office International des Epizooties (the OIE)⁵;

For plant health:

- (c) the international standards, guidelines and recommendations developed under the auspices of the Secretariat of the International Plant Protection Convention (IPPC) in cooperation with regional organizations operating within the framework of IPPC.⁶

No other standard-setting bodies have yet been recognized by the SPS committee for matters not covered by the above organizations, although this possibility is allowed under the agreement.

37. Note that the criterion for notification relating to international standards, guidelines or recommendations is whether the content of a proposed SPS regulation is substantially the same as the content of an international standard, guideline or recommendation. So even if the health objective, or level of protection achieved, is the same as that delivered by the standard, if the measures required are not substantially the same as those in the international standard it still has to be notified.

(iii) *Significant effect on trade*

38. The concept of "significant effect on trade of other Members" may refer to the effect on trade:

- (a) of one sanitary or phytosanitary regulation only or of various sanitary or phytosanitary regulations in combination;
- (b) in a specific product, group of products or products in general; and
- (c) between two or more countries (so strictly bilateral SPS regulations must still be notified if they meet other criteria).

39. The concept of a significant effect on trade of other countries includes both import-enhancing and import-reducing effects on trade, as long as such effects are significant. This means that SPS regulations that facilitate trade must also be notified.

40. When assessing whether the SPS regulation may have a significant effect on trade, countries should take into account, using relevant information that is available, such elements as:

- (a) the value or other importance of imports in respect of the importing and/or exporting country countries concerned, whether from other countries individually or collectively;
- (b) the potential development of such imports, and;
- (c) difficulties for producers in other countries to comply with the proposed SPS regulations.

41. If you are not certain whether a proposed SPS measure will affect international trade it is recommended that you notify the measure, for the sake of increased transparency.

2. Routine or emergency format?

(i) *Routine notifications*

⁴ The Codex Alimentarius is a collection of international food standards that have been adopted by the Codex Alimentarius Commission (the "Codex"). The Codex is based in Rome and financed jointly by the FAO and the WHO. For more information see: <http://www.codexalimentarius.net>.

⁵ The OIE, also known as the World Animal Health organization, is a source of information on the occurrence and course of animal diseases and of ways to control these diseases. It coordinates, at the international level, studies devoted to the surveillance and control of animal diseases and harmonizes regulations for trade in animals and animal products. For more information see: <http://www.oie.int/>.

⁶ The International Plant Protection Convention (IPPC) is a multilateral treaty administered through the IPPC Secretariat located in FAO's Plant Protection Service. The Convention provides a framework and forum for international cooperation, harmonization and technical exchange in collaboration with regional and national plant protection organizations. For more information see: <http://www.ippc.int>

42. Except in emergencies, a notification should be made when a draft with the complete text of a proposed regulation is available, and when amendments can still be introduced and comments taken into account.

43. The notification procedures require that measures are to be notified "well before the entry into force of the relevant measure". As such, a notification should be made when a draft with the complete text of a proposed regulation is available and when amendments can still be introduced and taken into account. The procedures recommend that a normal time limit for comments on notifications of at least 60 days is allowed before a measure comes into force.

44. Notifying countries should grant requests for extension of the comment period wherever practicable, in particular with regard to notifications relating to products of particular interest to developing countries. Extensions may be necessary where there have been delays in receiving and translating the relevant documents or where there is a need for further clarification of the measure notified. A 30-day extension should normally be provided.

45. For proposed SPS measures that unambiguously facilitate trade, countries may reduce or eliminate the period for receiving comments. But to enhance transparency, notifications should be made as early as possible.

(ii) *Emergency measures*

46. The routine consultation process can be reduced or eliminated in genuine emergencies, which the SPS Agreement defines as cases "where urgent problems of health protection arise or threaten to arise" for the country implementing the measure. Emergency measures may be notified either before or immediately after they come into effect, with an explanation of the reasons for resorting to emergency action, as requested in the emergency notification form.

47. However, it should be noted that if the notification of a routine measure has been "overlooked" or is late for whatever reason, the routine notification form should be used even if the recommended comment period cannot be offered. In other words, the fact that the notification is late should not become the reason for using the emergency format; it is preferable that the notification is made late rather than not at all.

3. Filling in the notification form

(i) *Who writes the notification?*

48. Notifications should be written, or at least scrutinized, by someone (such as the author of the document being notified) who has a good knowledge of the measure being notified. It is not necessarily the officials working at the notification authority that have to do this. This competence may be elsewhere. For instance, the notification form could be filled in by a person working at a national standard-setting body responsible for developing the regulation which will give rise to the proposed new trade measure. Nevertheless, given that the measure is an SPS measure, it remains the responsibility of the notification authority to ensure that a notification is correctly completed and is sent to the WTO.

49. All notifications to the WTO Secretariat are required to be in one of the three working languages of the WTO: English, French or Spanish. The SPS Committee has adopted forms to be used for routine and emergency notifications. These are available from the Secretariat in electronic format or in document G/SPS/7/Rev.2 (Recommended procedures for implementing the transparency obligations of the SPS Agreement (Article 7) contained in Annex C). Notifications should be sent to the address given in paragraph 61 below).

(ii) *Routine notifications*

50. Information contained in the notifications should be as complete as possible and no section should be left blank. Where necessary, "not known" or "not stated" should be indicated.

Box 4 - Routine notification form	
Item	Description
1. Member notifying	Government, including the competent authorities of the European Communities, which is making the notification. <u>Example:</u> Canada
2. Agency responsible	Body elaborating a proposal for or promulgating a sanitary or phytosanitary regulation. <u>Example:</u> Department of Health
3. Products covered	Use clear definitions to aid understanding of the notification by country officials and translators. Avoid abbreviations. <u>Example:</u> Fresh fruit and vegetables, ornamental, fruit-bearing and forest plants Tariff item should be provided, using the Harmonized System, where possible, at least to chapter level. <u>Example:</u> Frozen/chilled de-boned beef (HS Nos. 0201 30, 0202 30)
4. Regions or countries likely to be affected	Identify the geographical regions or countries likely to be affected, to the extent relevant or practicable. Where possible, list the countries affected. Otherwise use suitable wording such as "any countries exporting the commodities to Thailand", or "all countries susceptible to bluetongue". <u>Example:</u> State of California, United States
5. Title, language and number of pages of the notified document	This item must contain the title of the proposed or adopted (in the case of late submissions) sanitary or phytosanitary regulation, the number of pages in the notified document, and the languages in which it is available. If a translation exists of the whole document, or a translated summary of the document, indicate this here. <u>Example 1:</u> Department of Agriculture (DA) Memorandum Order No. 18, series of 1999: SGS Inspection of Buffalo Meat Export from India to the Philippines (2 pages). <u>Example 2:</u> (Draft) Regulations Governing the Tolerances for Certain Seeds in Certain Agricultural Products. Government Notice No. R.1202 dated 15 October 1999 (3 pages). Available in English and French.
6. Description of content	Summarize the SPS regulation clearly, indicating its health protection objective and content. Describe the species or products and countries affected, the status quo and significance of the proposed changes. Where practicable also include an outline of the specific sanitary measures the regulation will impose. To the extent possible, describe the likely effects on trade. The summary should be as complete and accurate as possible to allow full understanding of the proposed regulation. Write clearly and without abbreviations. You could specify the exact risks, e.g. "to protect Australian horses from the entry, establishment or spread of equine influenza". When a regulation contains both SPS and TBT measures, it should be notified according to both the SPS and TBT Agreements, preferably with an indication of which parts of the regulation fall under the SPS Agreement and which parts fall under the TBT Agreement.

Box 4 - Routine notification form	
Item	Description
	<p><u>Example 1:</u> Limits the number of seeds of <i>Argemone mexicana</i>, <i>Convolvulus</i> spp, <i>Crotalaria</i> spp, <i>Datura</i> spp, <i>Ipomoea purpurea</i>, <i>Lolium temulentum</i>, <i>Ricinus communis</i> or <i>Xanthium</i> spp. to 1 seed per 10 kg of each of the mentioned agricultural products. Soya beans may contain 3 seeds per 10 kg (excluding soya beans intended for consumption by infants or young children). Does not apply to an agricultural product that will undergo sifting to reduce the number of poisonous seeds or that is intended for animal consumption.</p> <p><u>Example 2:</u> The Pest Management Regulatory Agency (PMRA) of Health Canada has recently approved an application to amend the registration of ethylene-bisdithiocarbamate fungicides in order to allow their use on endives and to establish safe handling procedures for this fungicide.</p> <p>SPS element: This proposed regulatory amendment would establish an MRL for residues of ethylene-bisdithiocarbamate fungicides resulting from this use in endives, in order to permit the sale of food containing these residues. After the review of all available data, the PMRA has determined that an MRL for ethylene-bisdithiocarbamate fungicides of 7 p.p.m. in endives would not pose an unacceptable health risk to the public.</p> <p>TBT element: The proposed regulatory amendments also establishes safe handling guidelines to prevent health risks from domestic or international transportation and handling.</p> <p><u>Example 3:</u> The Animal and Plant Health Inspection Service (APHIS) is establishing regulations for the importation into the United States of gypsy moth host materials from Canada due to infestations of gypsy moth in the Provinces of British Columbia, New Brunswick, Nova Scotia, Ontario, and Quebec. These regulations require trees without roots (e.g., Christmas trees), trees with roots, shrubs with roots and persistent woody stems, logs and pulpwood with bark attached, outdoor household articles, and mobile homes and their associated equipment to meet specified certification or destination requirements if they are intended to be moved into or through areas of the United States that are not infested with gypsy moth.</p>

Box 4 - Routine notification form	
Item	Description
7. Objective and rationale	<p>Put a cross in the relevant box. SPS measures must belong to one of these categories (and can fit into more than one).</p> <p><input checked="" type="checkbox"/> Food safety if the measure is to protect human life or health from:</p> <ul style="list-style-type: none"> • risks arising from additives, contaminants, toxins or disease-causing organisms in foods, beverages or feedstuffs. <p>Take particular care that food safety measures fit these very specific criteria. They must be to protect against health risks, and not merely set compositional standards. They must also deal with one of the four categories of health risk (additives, contaminants, toxins or disease-causing organisms). Note that contaminants include pesticide and veterinary drug residues and extraneous matter. Food safety measures involving labelling, quality or nutrition may also (or alternatively) require notification under the TBT Agreement.</p> <p><input checked="" type="checkbox"/> Animal health if the measure is to protect animal life or health, including fish and wild fauna, from:</p> <ul style="list-style-type: none"> • risks arising from the entry, establishment or spread of pests, diseases, disease-carrying organisms or disease-causing organisms; or • risks arising from additives, contaminants, toxins or disease-causing organisms in foods, beverages or feedstuffs. <p><input checked="" type="checkbox"/> Plant protection if the measure is to protect plant life or health, including fish and wild fauna, from:</p> <ul style="list-style-type: none"> • risks arising from the entry, establishment or spread of pests (including weeds), diseases, disease-carrying organisms or disease-causing organisms. <p><input checked="" type="checkbox"/> Protect humans from animal/plant pest or disease if the measure is to protect human life or health from:</p> <ul style="list-style-type: none"> • risks arising from diseases carried by animals, plants or products thereof, or from the entry, establishment or spread of pests. <p><input checked="" type="checkbox"/> Prevent territory from other damage from pests if the measure is to protect from:</p> <ul style="list-style-type: none"> • other damage from pests, including weeds <p>This could for example be relevant to plants that pose a problem by their invasiveness or weediness, but may not necessarily spread a disease.</p>
8. Existence of international standard, guideline or recommendation	<p>If a relevant international standard, guideline or recommendation exists, put a cross in the box provided for the appropriate standard-setting organisation. Give the appropriate reference of the existing standard, guideline or recommendation and briefly describe how the proposed regulation deviates from the international standard, guideline or recommendation. If no international standard, guideline or recommendation exists, put a cross in the box 'none'.</p> <p><u>Example</u>: The current Codex standard for histamine levels are applicable only to certain species of fish. The proposed Australia/New Zealand standard restricts histamine levels in all fish.</p>

Box 4 - Routine notification form	
Item	Description
9. Relevant documents and language(s) in which these are available	<p>Several different types of publications can be referenced here. Publications which you should reference are:</p> <p>(a) Publication where notice of the proposed regulation appears, including date and reference numbers;</p> <p>(b) Proposal and basic document to which proposal refers (with specific reference number or other identification), and the language(s) in which the notified documents and any summary of these are available;</p> <p>(c) Publication in which proposal will appear when adopted;</p> <p>If it is necessary to charge for documents supplied, the amount of the charge should be indicated.</p> <p><u>Example 1:</u> Official Journal No.3, February 1999 (in Albanian).</p> <p><u>Example 2:</u> Resolution No. 30 of the Ministry of Agriculture, Livestock, Fisheries and Food of 18 September 1998 (6 pages, in Spanish. Summary in English available upon request). Charge: 2 USD per copy.</p> <p><u>Example 3:</u> Framework Directive on materials and articles intended to come into contact with foodstuffs (89/109/EEC, O.J. No L349 – 13 February 1990 p.2b).</p>
10. Proposed date of adoption	<p>The date when the sanitary or phytosanitary regulation is expected to be adopted (or approved); when no more changes will be made to the text of the measure.</p> <p><u>Example 1:</u> 2 February 2000</p> <p><u>Example 2:</u> Anticipated early 2000</p> <p><u>Example 3:</u> When the final regulations are published in the Government Gazette. This will not be before 1 April 2000.</p>

Box 4 - Routine notification form	
Item	Description
11. Proposed date of entry into force	<p>The date from which the requirements in the regulation are proposed or decided to enter into force. Where appropriate, Members should accord longer time-frames for compliance on products of interest to developing country Members. In the Decision on Implementation-Related Issues and Concerns (WT/MIN/(01)/17) taken on 14 November 2001 at the Fourth Ministerial Conference in Doha Qatar, it was decided that this "longer time-period for compliance" shall be understood to mean normally a period of not less than 6 months. Furthermore, where the appropriate level of sanitary and phytosanitary protection does not allow scope for the phased introduction of a new measure, but specific problems are identified by a Member, the Member applying the measure shall upon request enter into consultations with the country with a view to finding a mutually satisfactory solution to the problem while continuing to achieve the importing Member's appropriate level of protection.</p> <p><u>Examples 1:</u> To be determined.</p> <p><u>Example 2:</u> On publication of the final regulations in the Government Gazette. This will not be before 1 April 2000.</p>
12. Final date for comments and agency or authority handling comments	<p>The day by which other countries may submit comments should normally be at least 60 days after the notification is distributed by the WTO. Give a specific date.</p> <p>Give a specific contact for receipt of comments. This can be the notification authority or enquiry point, or another agency which is actually handling the comments on this notification. Give the full address, including fax number in international format, and email address.</p> <p>For proposed measures which facilitate trade, Members may reduce or eliminate the period for receiving comments.</p> <p><u>Example 1:</u> 15 January 2000 Director: Food Control Department of Health Private Bag X828 Pretoria 0001 South Africa Tel: +(27 12) 312 0185 Fax: +(27 12) 326 4374 E-mail: ventert@hlrsa.pwv.gov.za</p> <p><u>Example 2:</u> The domestic closing date for comments is 17 November 1999. However comments from Members will be accepted until 17 December 1999 if notice of intention to comment is received by the domestic closing date.</p> <p>Agency or authority designated to handle comments: [X] National notification authority,</p>

Box 4 - Routine notification form	
Item	Description
13. Texts available from	<p>If available from the notification authority or the enquiry point, put a cross in the respective box. If available from another body, give its address, fax number and (if available) E-mail address. Give the precise Internet address of this document if available.</p> <p style="background-color: #e0e0e0;">Example 1: Texts available from: ... , [X] National enquiry ... Also available on Internet: "http://www.maf.govt.nz/SPS/index.htm" Example 2: Ms Doris Chan Principal Trade Officer Trade Department Trade Department Tower 700 Nathan Road Hong Kong, China Fax: (852) 2789 2491</p>

(iii) *Emergency measures*

51. Information contained in the notification form should be as complete as possible and no section should be left blank. Where necessary, "not known" or "not stated" should be indicated. The emergency notification form is contained in the recommended procedures for implementing the transparency obligations of the SPS Agreement, in Annex C.

Box 5 – Emergency notification form	
Item	Description⁷
1. Member notifying	Government, including the competent authorities of the European Communities, which is making the notification.
2. Agency responsible	Body elaborating a proposal for or promulgating a sanitary or phytosanitary regulation.
3. Products covered	<p>Use clear definitions to aid understanding of the notification by country officials and translators. Avoid abbreviations.</p> <p>Tariff item should be provided, using the Harmonized System, where possible, at least to chapter level.</p>
4. Regions or countries likely to be affected	Identify the geographical regions or countries likely to be affected, to the extent relevant or practicable. Where possible, list the countries affected. Otherwise use suitable wording such as "any countries exporting the commodities to Thailand", or "all countries susceptible to bluetongue".

⁷ For examples on how to fill the notification form see shaded boxes in routine form except for Items 7 and 10 in the emergency format.

Box 5 – Emergency notification form	
Item	Description⁷
5. Title, language and number of pages of the notified document	<p>This item must contain the title of the sanitary or phytosanitary regulation. Number of pages in the notified document. Languages in which the notified document is available.</p> <p>If a translation exists of the whole document, or a translated summary of the document, indicate this here.</p>
6. Description of content	<p>Summarize the SPS regulation clearly, indicating its health protection objective and content. Describe the species or products and countries affected, the status quo and significance of the proposed changes. Where practicable also include an outline of the specific sanitary measures the regulation will impose. To the extent possible, describe the likely effects on trade.</p> <p>The summary should be as complete and accurate as possible to allow full understanding of the proposed regulation. Write clearly and without abbreviations. You could specify the exact risks, e.g. “to protect Australian horses from the entry, establishment or spread of equine influenza”.</p> <p>When a regulation contains both SPS and TBT measures, it should be notified according to both the SPS and TBT Agreements, preferably with an indication of which parts of the regulation fall under the SPS Agreement and which parts fall under the TBT Agreement</p>

Box 5 – Emergency notification form	
Item	Description⁷
7. Objective and rationale	<p>Put a cross in the relevant box. SPS measures must belong to one of these categories (and can fit into more than one).</p> <p><input checked="" type="checkbox"/> Food safety if the measure is to protect human life or health from:</p> <ul style="list-style-type: none"> • risks arising from additives, contaminants, toxins or disease-causing organisms in foods, beverages or feedstuffs. <p>Take particular care that food safety measures fit these very specific criteria. They must be to protect against health risks, and not merely set compositional standards. They must also deal with one of the four categories of health risk (additives, contaminants, toxins or disease-causing organisms). Note that contaminants include pesticide and veterinary drug residues and extraneous matter. Food safety measures involving labelling or nutrition may also (or alternatively) require notification under the TBT Agreement.</p> <p><input checked="" type="checkbox"/> Animal health if the measure is to protect animal life or health, including fish and wild fauna, from:</p> <ul style="list-style-type: none"> • risks arising from the entry, establishment or spread of pests, diseases, disease-carrying organisms or disease-causing organisms; or • risks arising from additives, contaminants, toxins or disease-causing organisms in foods, beverages or feedstuffs. <p><input checked="" type="checkbox"/> Plant protection if the measure is to protect plant life or health, including forests and wild flora, from:</p> <ul style="list-style-type: none"> • risks arising from the entry, establishment or spread of pests (including weeds), diseases, disease-carrying organisms or disease-causing organisms. <p><input checked="" type="checkbox"/> Protect humans from animal/plant pest or disease if the measure is to protect human life or health from:</p> <ul style="list-style-type: none"> • risks arising from diseases carried by animals, plants or products thereof, or from the entry, establishment or spread of pests. <p><input checked="" type="checkbox"/> Prevent territory from other damage from pests if the measure is to protect from:</p> <ul style="list-style-type: none"> • other damage from pests, including weeds. <p>This could for example be relevant to plants that pose a problem by their invasiveness or weediness, but may not necessarily spread a disease.</p>

Box 5 – Emergency notification form	
Item	Description⁷
8. Nature of urgent problem(s)	<p>Indicate the reason (s) for resorting to emergency action (e.g., animal disease outbreak with suspected links to imports).</p> <p><u>Example 1:</u> Emergency measures to preserve plants and protect them against the harm caused by the Mealy bug <u>Maconellicoccus hirsutus</u> (Green).</p> <p><u>Example 2:</u> Findings of higher content of arsenic in poultry meat.</p> <p><u>Example 3:</u> The Colombian Agricultural Institute - ICA (the official phytosanitary protection body of Colombia) has declared the presence of <i>Thrips palmi</i> karny on its territory and other unidentified species of thrips, but without identifying the areas affected, the areas unaffected or the quarantine measures taken to control and/or eradicate the problem.</p>
9. Existence of international standard, guideline or recommendation	<p>If a relevant international standard, guideline or recommendation exists, put a cross in the box provided for the appropriate standard-setting organisation. Give the appropriate reference of the existing standard, guideline or recommendation and briefly describe how the proposed regulation deviates from the international standard, guideline or recommendation. If no international standards, guideline or recommendation exists, put a cross in the box 'none'.</p>
10. Relevant documents and language(s) in which these are available	<p>Documents which should be referenced include:</p> <p>(a) Measure(s) taken and basic regulation which was modified (with specific reference number or other identification), and the language(s) in which the notified documents and any summary of these are available;</p> <p>(b) Publication in which regulation will appear;</p> <p>If it is necessary to charge for documents supplied, the amount of the charge should be indicated.</p>
11. Date of entry into force and period of application	<p>The date from which the requirements in the measure entered into force, and, the period of time during which they will apply. (For example: immediate entry into force [date], duration [of two months] or [to be decided].)</p> <p><u>Example 1:</u> This interim rule was effective 23 August 1999.</p> <p><u>Example 2:</u> Entry into force on the day of signing by the Director-General of Health and in all other cases when notified in the <i>Gazette</i> (15 June 1999) and will remain in force for a period not exceeding 6 months unless revoked earlier.</p>
12. Agency or authority handling comments	<p>Give a specific contact for receipt of comments. This can be the notification authority or enquiry point, or another agency which is actually handling the comments on this notification. Give the full address, including fax number in international format, and email address.</p>

Box 5 – Emergency notification form	
Item	Description⁷
13. Texts available from	<p>If available from the notification authority or enquiry point, put a cross in the respective box. If available from another body, give its address, fax number and (if available) E-mail address.</p> <p>Give the precise Internet address of this document if available.</p>

(iv) *Making an Addendum, Corrigendum or Revision to an SPS notification*

52. Members, in addition to their original notifications, can also provide supplementary information in three different forms.

- An addendum is used to provide additional information or changes to an original notification. A Member may wish to indicate on the addendum if the final regulation has been substantially modified from the notified proposal.
- A corrigendum is used to correct an error in an original notification such as an incorrect address detail.
- A revision is used to replace an existing notification.

Any addendum or corrigendum should be read in conjunction with the original notification.

53. The recommended procedures for implementing the transparency obligations of the SPS Agreement (Article 7) contain suggested formats for addenda, corrigenda and revisions. These procedures are contained in Annex C.

Addenda

54. Members should notify changes in the status of a notified SPS regulation. The issuance of an addendum allows Members to track the status of an SPS regulation via its unique notification number. Addenda to SPS notifications should be made in a number of circumstances, such as:

- (a) when a proposed regulation is either adopted or comes into force. A Member may wish to indicate on the addendum if the final regulation has been substantially modified from the notified proposal.
- (b) if a proposed regulation is withdrawn;
- (c) if a regulation is revoked;
- (d) if the comment period has been extended;
- (e) if the period of application of the existing notification is extended;
- (f) if the scope of application of the existing notification is reduced, either in terms of Members affected or products covered. Such a change may warrant the extension of the comment period.

55. An addendum should:

- briefly recap what was notified, when and what it was about - this is a practical requirement, and reduces the need for Members to have to go back to the original notification to check what it was about;
- specify what change has been made and why - briefly state why the information, dates, etc have been changed; and
- restate the comments deadline, even if it has not been changed - as a reminder to Members that if they wish to comment it must be done by this date.

Corrigenda

56. Members should inform the Secretariat of any error(s) contained in their original notification. The Secretariat will issue a corrigendum accordingly.

Revisions

57. Revisions replace an existing notification. Revisions should be submitted, for example, when the scope of application of a notified regulation is extended, either in terms of Members affected or products covered, or if a notification contained a large number of errors which necessitated issuing a revision. A Member should provide a further period for comments on the revised notification, normally 60 days.

(v) *Rescinding an SPS emergency measure*

58. Emergency SPS measures are invoked on a temporary basis. This means that after its period of application has expired an emergency notification should be revoked. As the revocation of a measure also affects trade, it is necessary to make a notification to the WTO when this happens. This applies also to the revocation of an SPS measure notified on a routine basis. (See also section (iv) on addenda.)

(vi) *Assistance from the WTO Secretariat*

59. The WTO Secretariat is available on request to assist countries with filling out the notification formats. Some countries in the past, when unsure about how to notify, have sent the Secretariat draft notifications for comments on format, structure or clarity. This has particularly been the case for many first-time notifiers.

60. The contact at the secretariat is:

Mr. Michael Roberts
Tel: (+41 22) 739 5747
Fax: (+41 22) 739 5760,
E-mail: michael.roberts@wto.org

(vii) *Where to send an SPS Notification*

61. Notifications should be sent by fax, e-mail or air mail to the central registry of notifications (CRN) at the WTO either through the WTO representative or directly. The address is:

Central Registry of Notifications
Rue de Lausanne 154
1211 Geneva 21
Switzerland
Fax: (+41 22) 739 5638
e-mail: crn@wto.org

Countries are not required to send the legal texts of the proposed regulation that is being notified.

Box 6 – Secretariat procedures for handling notifications

Three to four days after the Secretariat has received a notification from a WTO Member, it circulates the notification first in the original language to all Members. The translations into French and Spanish follow as soon as they are finished by the Translation and Documentation Division of the WTO (for those Members who have requested notifications in those languages).

The notifications are automatically provided only to the missions of Members to the WTO, primarily the Geneva-based missions. The missions receive a single paper copy and it is up to them to forward it to enquiry points or notification authorities at home. Upon request, the Secretariat can also mail notifications to a single address in the capital provided by the mission. All SPS notifications and documents are placed on the WTO's website and are available for downloading from Documents Online.

In addition, Members who wish to receive notifications via e-mail, currently sent twice a week, can subscribe to this service following the instructions mentioned below.

ELECTRONIC TRANSMISSION OF SPS NOTIFICATIONS

***** HOW TO SUBSCRIBE *****

To subscribe to the list, send an e-mail message to "listproc@list.unicc.org" with the following in the body of the message (leave the subject line blank):

SUBSCRIBE SPS your full name

Example: SUBSCRIBE SPS mickey mouse

Your e-mail address will be automatically registered.

***** HOW TO GET OFF THE LIST *****

To unsubscribe from the list, send an e-mail message to "listproc@list.unicc.org" with the following in the body of the message (leave the subject line blank)

UNSUBSCRIBE SPS your full name

Example: UNSUBSCRIBE SPS mickey mouse

Your e-mail address will be automatically removed from the list.

***** HOW TO AMEND THE ADDRESS ON THE LIST *****

To amend your address on the list you will have to unsubscribe the previous address from the list and to subscribe the new one (as explained above).

C. RESPONDING TO REQUESTS AND COMMENTS

1. Responding to requests from others

62. When a country has notified an SPS measure it is obliged to supply copies of the proposed regulation upon request. The notification authority should ensure it has the document in hand before making a notification. Requests for notified document normally come through the other country's notification authority or enquiry point and WTO Members have a legal obligation to respond only to these. However, ideally countries should respond in the same way to all requests for notified documents, including those which may come directly from industry groups or individuals.

63. Requests should normally be fulfilled within five working days; if this cannot be done, the request should be acknowledged by fax or e-mail and an estimate given of the anticipated delay. Documents to be sent may include the following:

- (a) a covering letter responding to the request;
- (b) the regulation that has been notified;
- (c) an explanatory note (if one has been prepared); and
- (d) any relevant documents specified in box 8 of the routine notification form or box 9 of the emergency notification form, if requested.

64. Any documents which are still at a draft stage should be clearly identified as such. Each document sent should be marked with the relevant WTO notification number.

65. Members should use fax and e-mail facilities to the extent possible in responding to requests for documentation or information. Members are encouraged to publish their sanitary or phytosanitary measures on the world wide web, to facilitate the supply of documents.

66. Sample letters for handling requests for information are contained in Annex B.

2. Translations

67. When a translation of a relevant document exists or is planned, this fact should be indicated on the WTO notification form next to the title of the document. If only a translated summary exists, the fact that such a summary is available should be similarly indicated.

68. If a translation of a document or summary exists in the language of the requesting country, or, as the case may be, in the WTO working language used by the requesting country, it should be automatically sent with the original of the document requested.

69. Where documents are not available in English, French or Spanish, developed countries shall, upon request, supply a translation of the document, or in case of voluminous documents, a translation of a summary of the document, in English, French or Spanish.

70. When a country seeks a copy of a document relating to a notification which does not exist in that country's WTO working language, the notifying country should indicate if any other countries have requested a copy of the document. The country seeking a copy of a document relating to a notification may contact other countries in order to determine whether they are prepared to share their translation.

71. Any country possessing an unofficial translation of a document relating to a notification should inform the notifying country of the existence of the unofficial translation and is encouraged to make it available to other interested countries, through electronic facilities where appropriate. In doing so, the country should clearly indicate the unofficial and non-committal nature of the translation.

3. Dealing with comments from others

72. A prime purpose of notifying proposed regulations is to allow countries that might be affected by them to be consulted during the drafting process. Government authorities that have notified proposed regulations might receive comments on such regulations.

73. Comments will either go to the notification authority or any other address specified in the final box of the notification form (Items 13 and 12 for routine and emergency notifications, respectively). Nevertheless, regardless of where comment is sent to, the notification authority remains responsible for ensuring that the tasks outlined in the previous paragraphs are carried out. The notification authority should establish good working relationships with relevant agencies, and documented administrative procedures to ensure this happens.

74. When other countries make comments on a notified SPS measure, the country notifying has certain obligations to meet. The country receiving comments should, without further request:

- (i) acknowledge the receipt of such comments;
- (ii) explain within a reasonable period of time, and at the earliest possible date before the adoption of the measure, to any Member from which it has received comments, how it

will take these comments into account and, where appropriate, provide additional relevant information on the proposed sanitary or phytosanitary regulations concerned;

- (iii) provide to any Member from which it has received comments, a copy of the corresponding sanitary or phytosanitary regulations as adopted or information that no corresponding sanitary or phytosanitary regulations will be adopted for the time being;
- (iv) where possible make available to other countries comments and questions it has received and answers it has provided, preferably through electronic facilities.

75. Members should grant requests for extension of the comment period wherever practicable, in particular with regard to notifications relating to products of particular interest to developing country Members, where there have been delays in receiving and translating the relevant documents or where there is a need for further clarification of the measure notified. A 30-day extension should normally be provided.

D. REQUESTING DOCUMENTS NOTIFIED BY OTHER COUNTRIES

76. As noted above, all requests for documents should be made to the notifying country's notification authority unless the enquiry point is specified or an alternative address is listed in the final box of the notification. Up-to-date notification authority addresses are listed in documents in the G/SPS/NNA/ series. Addresses for enquiry points are listed in the G/SPS/ENQ/series. Both are available electronically from the WTO Internet site (<http://www.wto.org/>). You are encouraged to ensure that the information about your own enquiry point and notification authority in these documents is correct, and inform the WTO Secretariat of any changes.

77. Any requests for the documents notified should give the notification symbol (for example: G/SPS/N/COL/1), and specify exactly which documents are needed. If your working language is not that of the notifying country, request any translation that exists. A sample letter is contained in Annex B.

IV. OPERATING THE SPS ENQUIRY POINT

A. RESPONSIBILITIES

78. The following part of the handbook explains the operation of an enquiry point and the major tasks that it handles on a routine basis:

- (a) document and information requests;
- (b) general enquiries; and
- (c) delivery and charging.

79. The enquiry point is the single government body responsible to provide "answers to all reasonable questions" from interested countries, as well as for the provision of relevant documents, regarding:

- (a) any sanitary or phytosanitary regulations adopted or proposed within its territory;
- (b) any control and inspection procedures, production and quarantine treatment, pesticide tolerance and food additive approval procedures, which are operated within its territory;
- (c) risk assessment procedures, factors taken into consideration, as well as the determination of the appropriate level of sanitary or phytosanitary protection;
- (d) the membership and participation of the country, or of relevant bodies within its territory, in international and regional sanitary and phytosanitary organizations and systems,
- (e) the membership and participation of the country in bilateral and multilateral agreements and arrangements within the scope of the SPS Agreement; and,
- (f) the texts of such agreements and arrangements.

80. Enquiry points should also provide, upon request, information on participation in any bilateral or multilateral equivalence agreements and arrangements.

B. REQUESTS FOR INFORMATION

81. Other government agencies than the enquiry point in your territory will continue to receive direct requests on matters such as those outlined above, and they should be free to continue answering them. Enquiries that come to the individual units within government agencies (i.e. not through the enquiry point) can be answered directly and do not need to be processed through the enquiry point system. However, the enquiry point is listed by the WTO as having this responsibility, and must respond to any requests made of it.

82. Requests to the enquiry point may come from other countries' enquiry points or originate from other interested parties (such as industry groups) in countries, and from non-Member countries. Although the legal obligation is only to respond to requests from other WTO Members, the enquiry point is encouraged to treat all such enquiries equally, and respond to all reasonable requests for information about the country's SPS measures. It is best to reply directly to whoever makes the request, but to support the enquiry point system, it is recommended to send a copy of replies (and a list of material supplied) to the relevant country's enquiry point.

83. Requests for information that are best filled (completely or in part) by another agency should be forwarded to the appropriate agency. That agency should be asked to advise the enquiry point when the request is fulfilled; if this is not done within a reasonable time a the enquiry point should remind that agency to do so. Sample requests for information are contained in Annex B.

C. DELIVERY AND CHARGING

84. While the mode of delivery is at the discretion of the Member concerned, it is recommended that delivery of documents should be by the fastest means possible. In the first instance, if the Member has such facilities, the documents should be sent by e-mail, or by fax. Alternatively, a Member can send the documents by post or via a requesting Member's diplomatic mission in their territory

85. A country may only charge the same cost for the documents as it would for its own nationals plus the cost of delivering the documents. However, it is not very cost-effective or easy to recover such small amounts as are normally charged for any documents and therefore you are encouraged not to charge as a gesture of goodwill.

V. NOTIFICATION OF EQUIVALENCE

86. Although notification of equivalence is not a requirement in the SPS Agreement, in June 2002 the SPS Committee adopted a decision on the subject, the Recommended Procedures for the Notification of Determination of the Recognition of Equivalence of Sanitary and Phytosanitary Measures. This decision, including a format for equivalence notifications, is contained in Annex D.

87. According to these recommended procedures, when a country has made a determination recognizing an SPS measure of another country as equivalent, it should make a notification of the measures that have been recognized, and of the products affected. When significant changes are made to an existing equivalence arrangement, these should also be notified, including suspension or rescission of such arrangements.

88. For notification purposes, equivalence is defined to be "the state wherein sanitary or phytosanitary measures applied in an exporting country, though different from the measures applied in an importing country, achieve, as demonstrated by the exporting country and recognized by the importing country, the importing country's appropriate level of sanitary or phytosanitary protection. A determination of the recognition of equivalence may be with respect to a specific measure or measures related to a certain product or categories of products, or on a systems-wide basis."

Box 7 - Equivalence notification form	
Item	Description
1. Member notifying	Government, including the competent authorities of the European Communities, which is making the notification. <u>Example:</u> Chile
2. Title of the text stating determination of the recognition of equivalence	Title of any formal or informal agreement, Memorandum of Understanding or other document establishing the determination of recognition of equivalence. <u>Example:</u> "Agreement between the European Community and the Government of Canada on sanitary measures to protect public and animal health in respect of trade in animals and animal products"
3. Parties involved	Name of the exporting Member or Members whose measure has been determined to be equivalent. <u>Example:</u> Bolivia and Peru
4. Date of entry into force of the determination of the recognition of equivalence and any associated procedures or regulations	Date from which procedures, regulations or other measures based on the determination of recognition of equivalence took effect. <u>Example:</u> 21 July 2002
5. Products covered	Use clear definitions to aid understanding of the notification by country officials and translators. Avoid abbreviations. <u>Example:</u> Cooked and frozen crustaceans, molluscs Tariff item should be provided, using the Harmonized System, where possible, at least to chapter level. <u>Example:</u> Frozen/chilled de-boned beef (HS Nos. 0201 30, 0202 30) from the United Kingdom

6. Brief description of the measure(s) recognized to be equivalent	<p>Clearly indicate the nature of the recognition of equivalence, including which measure(s) of the exporting Member have been determined to be equivalent and which elements of the importing Member's usual requirements are met by these equivalent measures.</p> <p><u>Example:</u> The agreement permits imports of certain hard cheese manufactured from unpasteurized milk in accordance with an agreed protocol. The regulation requires that milk and milk products used for cheese production be pasteurized.</p>
7. Further information available from:	<p>The agency or authority from which an interested Member may request further information regarding the specific determination of equivalence being notified. If this is the National Enquiry Point, check the box provided. If available from another body, give its address, fax number and (if available) E-mail address. Provide the world wide web address of the document, if available.</p> <p><u>Example:</u></p> <p>Director: Food Control Department of Health Private Bag X828 Pretoria 0001 South Africa Tel: +(27 12) 312 0185 Fax: +(27 12) 326 4374 E-mail: ventert@hltrsa.pwv.gov.za</p>

VI. PUBLICATION OF REGULATIONS

A. THE REQUIREMENT

89. The fundamental component of transparency under the SPS Agreement is publication of regulations. This is a general obligation on WTO Members, and does not relate specifically to the work of either the notification authority or enquiry point.

90. WTO Members are obliged to:

- (a) ensure that all SPS regulations which have been adopted are published promptly in such a manner as to enable interested countries to become acquainted with them. Regulations to be published include laws, decrees or ordinances which are applicable generally.
- (b) except in urgent circumstances, allow a reasonable interval between the publication of a sanitary or phytosanitary regulation and its entry into force in order to allow time for producers in exporting countries and particularly in developing countries, to adapt their products and methods of production to the requirements of the importing country.

91. In the Decision on Implementation Related Issues and Concerns (WT/MIN(01)17) taken on 14 November 2001 at the Fourth Ministerial Conference in Doha, Qatar, it was decided that the "reasonable interval" between the publication of an SPS regulation and its entry into force shall normally mean a period of not less than 6 months. However, the entry into force of measures which liberalize trade should not be unnecessarily delayed.

B. THE INTERNET

92. Countries are encouraged to publish SPS regulations on the Internet where possible. Publication on the internet has a number of advantages and benefits to countries than more traditional methods. It:

- (a) allows for greater transparency;
- (b) makes it easier for countries to obtain documents; and
- (c) reduces the amount of work involved in processing and fulfilling document requests.

VII. ANNEXES:

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ANNEX A

Chile (CHL)

Chile (CHL)	
<p>Profile: National Notification Authority / National Enquiry Point</p> <p>Servicio Agrícola y Granadero (SAG) Departamento de Asuntos Internacionales Avenida Bulnes 140 Santiago CHILE</p> <p>Ph: +562 672 36 35/688 38 11 Fax: +562 671 74 19 Email: rrii@sag.minagri.gob.cl dai@sagminagri.gob.cl</p> <p>Type: Combined notification authority and national enquiry point</p> <p>Staff: 2 (official and administrative support)</p> <p>Facilities:</p> <ul style="list-style-type: none"> ✓ MS Word ✓ Database ✓ telephone ✓ fax ✓ email 	<p>Chile has one official and an administrative support person to operate both its national notification authority and national enquiry point. The official in terms of the national enquiry point has responsibility for maintaining a complete electronic archive with all standards of all countries notifying to the WTO, receiving documents notified by other WTO members and when required sending them to those sectors which could be interested in them within Chile. The administrative support person provides support to the official in this capacity.</p> <p>For the national notification authority, the official receives, classifies, copies and distributes notifications from other WTO members to interested parties; receives Chilean SPS notifications, prepares the SPS format and sends it to the WTO Secretariat; maintains an electronic archive of notifications; and receives and transmits requests for regulations from other WTO members. The administrative support person maintains an electronic archive of all foreign regulations received and sent with a note of those sectors to which they have been sent; maintains a hard copy archive sorted by Member; and other support work.</p> <p>Chile receives SPS notifications made by other WTO members and SPS Committee documents via the Internet and also its Ministry for External Relations. It also regularly follows the work of the SPS Committee through attending meetings and also by the WTO's website.</p> <p>Every time that an SPS notification of importance is received, the document notified is requested, and, when received, it is distributed to interested parties. In addition, Chile is also starting to circulate copies of SPS notifications of interest to different sectors.</p>

Czech Republic (CZE)	
<p>Profile: National Notification Authority / National Enquiry Point</p> <p style="text-align: center;">Director Department of International Trade Cooperation – 4010 Ministry of Agriculture of the Czech Republic Tešnov 17 117 05 Praha 1 CZECH REPUBLIC</p> <p style="text-align: center;">Ph: +4202 218 124 48 Fax: +4202 248 106 52 Email: kantorova@mze.cz</p> <p>Type: Combined notification authority and national enquiry point</p> <p>Staff: 2</p> <p>Facilities:</p> <ul style="list-style-type: none"> ✓ MS Word ✓ telephone ✓ fax ✓ email 	<p>Two officials have responsibility for notification of proposed and adopted sanitary and phytosanitary regulations of the Czech Republic, and also the distribution of notifications received from other members of the World Trade Organization. The officials also cooperate with other officials from a number of relevant government agencies.</p> <p>The Czech Republic receives copies of SPS notifications and SPS Committee documents via fax from its Permanent Mission in Geneva. It also regularly follows the work of the SPS Committee through attending and participating at Committee meetings. The national notification authority / national enquiry point has regular contact with other WTO Members' national enquiry points for the purpose of gaining the full text of documents notified under the SPS Agreement.</p> <p>The Czech SPS National Notification Authority / SPS National Enquiry point has regular contact with a number of relevant government agencies including:</p> <ul style="list-style-type: none"> ✓ State Veterinary Administration ✓ State Phytosanitary Administration ✓ Czech Agricultural and Food Inspection.

Fantasia (FAN) – Fictitious Model Developed WTO member

Profile: National Notification Authority
/ National Enquiry Point

Ministry of Biosecurity
PO Box 345
98-100 Sugar Plum Road
Bald Mountain
FANTASIA

Ph: +67 3 548 9911
Fax: 67 3 548 6512
Email: sps@info.biosec.govt.fn
Website: www.biosec.govt.fn/sps

Type: Combined notification authority
and national enquiry point

Staff: 5 (work part-time on notification
authority and national enquiry point
duties)

Facilities:

- ✓ word processor
- ✓ database application
- ✓ photocopier
- ✓ telephone
- ✓ fax
- ✓ email/internet
- ✓ postal facilities

Fantasia is a developed country with modest financial resources. Upon joining the World Trade Organization on 1 January 1995 it designated its Ministry of Biosecurity (Biosecurity Fantasia) to fulfil the transparency provisions of the SPS agreement in terms of establishing a national notification authority and national enquiry point. Biosecurity Fantasia produces the majority of the country's SPS measures as was considered a logical first choice for locating these bodies.

Biosecurity Fantasia's International Trade Section has overall responsibility for operating the national notification authority and national enquiry point. The five members of the section all contribute to the work of both bodies. The roles of the officials are as follows:

- ✓ **Manager:** Develops policies and procedures, manages and trains staff, and also liaises with other national and international agencies. The manager also attends and represents Fantasia at the SPS Committee meetings.
- ✓ **Advisers (3):** The International Trade Section has three advisers – International Adviser (Sanitary) in charge of food safety and specific responsibility for the work of the Codex Alimentarius Commission; International Adviser (Phytosanitary) with specific responsibility for plant health and the work of the IPPC Secretariat and the Interim Commission on Phytosanitary Measures; and International Adviser (Zoosanitary) who has specific responsibility for animal health the work of the OIE. The advisers monitor all SPS notifications in their area of responsibility and provide technical and trade policy expertise where necessary.
- ✓ **Administrative Support:** Day to day running of the national notification authority and national enquiry point.

Notifications from other WTO members are downloaded the WTO's document dissemination facility (DDF). are then logged on an electronic database and copied relevant government agencies and industry groups.

Mauritius (MUS)

<p>Profile: National Notification Authority</p> <p style="text-align: center;">Plant Quarantine Services Agricultural Services Ministry of Agriculture and Natural Resources Réduit MAURITIUS Ph: +230 464 48 74 Fax: +230 464 87 89 Email: motas@bow.intnet.mu Website: ncb.intnet.mu/mfa/index.html</p> <p>Staff: 4</p> <p>Facilities:</p> <ul style="list-style-type: none"> ✓ MS Word ✓ Database ✓ telephone ✓ fax ✓ internet/email <p style="text-align: center;">National Enquiry Point</p> <p style="text-align: center;">Head, Division of Plant Pathology and Quarantine (DPPQ) Agricultural Services Ministry of Agriculture, Food Technology and Natural Resources Réduit MAURITIUS</p> <p style="text-align: center;">Ph: +230 464 48 72 Fax: +230 465 95 91 Email: plpath@intnet.mu</p> <p>Staff: 4</p> <p>Facilities:</p> <ul style="list-style-type: none"> ✓ MS Word ✓ Database ✓ telephone ✓ fax ✓ email 	<p>The technical cadre of the Trade Policy Unit operates the Mauritius SPS National Notification Authority. The Trade Policy Unit deals with all issues relating to the World Trade Organization and not just with notifications. SPS notifications are prepared by the officials posted at the Trade Policy Unit in collaboration with the government agencies concerned.</p> <p>The national enquiry point sends all available information to the Trade Policy Unit. Representatives of the enquiry point are represented on the Sub committee on Agriculture and SPS which operates at the Trade Policy Unit.</p> <p>The Sub-committee on Agriculture and SPS conducts regular monthly meetings at the Trade Policy Unit. It comprises stakeholders concerned with agriculture and SPS matters both from the public and private sectors.</p> <p>The national enquiry point has regular contact with officials from a number of other relevant government agencies and other organisations including:</p> <ul style="list-style-type: none"> ✓ Ministry of Agriculture, Food Technology & Natural Resources ✓ Ministry of Health & Quality of Life ✓ Ministry of Industry & Commerce ✓ Ministry of Fisheries & Cooperatives ✓ Veterinary Services ✓ Mauritius Chamber of Agriculture ✓ Mauritius Chamber of Commerce & Industry ✓ Mauritius Sugar Authority <p>The national enquiry point does not regularly follow the work of the SPS Committee but does receive copies of SPS Committee documents from the Trade Policy Unit. The national enquiry point has regular contact with other WTO members' national enquiry points for the purpose of supplying documents related to SPS matters.</p>
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New Zealand (NZL)	
<p>Profile: National Notification Authority / National Enquiry Point</p> <p style="text-align: center;">MAF Biosecurity Authority PO Box 2526 Wellington NEW ZEALAND</p> <p style="text-align: center;">Ph: +64 4 474 4100 Fax: +64 4 474 4133 Email: sps@maf.govt.nz Website: www.maf.govt.nz/SPS</p> <p>Type: Combined notification authority and national enquiry point</p> <p>Staff: 2 (work part-time on notification authority and national enquiry point duties)</p> <p>Facilities:</p> <ul style="list-style-type: none"> ✓ MS Word 97 ✓ MS Excel 97 ✓ photocopier ✓ telephone ✓ fax ✓ internet/email ✓ postal facilities 	<p>The New Zealand SPS Notification Authority and SPS National Enquiry Point is staffed by two officials, but the work of the notification authority and national enquiry point is only a small part of their jobs. Staff spend only around 10-15 percent of their time on the actual operation of the notification authority and national enquiry point.</p> <ul style="list-style-type: none"> ✓ Manager: Developing policies and procedures, staff training and management, liaison with other national and international agencies. ✓ Technical Adviser: Day to day running of the notification authority and national enquiry point, routine liaison with other agencies, responding to requests, locating information. <p>New Zealand has found it both practical and efficient to have the same agency operate both the notification authority and national enquiry point within an existing agency. Since, the MAF Biosecurity Authority provides the bulk of its SPS regulations, New Zealand has found it to be an advantage in having the NA and NEP in this agency.</p> <p>The notification authority conducts the majority of its work electronically – sending and receiving both notifications and notified draft SPS regulations. When, it is not possible to obtain documents or notifications through email or the world wide web, the next most common method of communication is via fax, the traditional mail system is very rarely used.</p> <p>Notifications when received from the WTO's website are first logged and then distributed to key stakeholders and partners in government agencies. Industry groups are also alerted to SPS notifications that might be of interest through government publications.</p>

Xanadu (XDU) – Fictitious Model Developing WTO member

Profile: National Notification Authority
/ National Enquiry Point

Standards Xanadu
PO Box 10 5444
97 The Great Wall
Shangri La
XANADU

Ph: +43 6 239 2363
Fax: +42 6 239 2922
Email: info@standards.gov.xd

Type: Combined notification authority
and national enquiry point

Staff: 2 (work part-time on notification
authority and national enquiry point
duties)

Facilities:

- ✓ word processor
- ✓ database application
- ✓ photocopier
- ✓ telephone
- ✓ fax
- ✓ email
- ✓ postal facilities

Xanadu is a developing country with limited financial resources. Upon acceding to the World Trade Organization on 1 January 2000 it designated its national standards agency, Standards Xanadu to fulfil the transparency provisions of the SPS agreement in terms of establishing a national notification authority and national enquiry point.

Standards Xanadu also acts as the enquiry point for the TBT area. Xanadu has found that by using one agency to fulfil the notification requirements for a number of the multilateral trade agreements under the World Trade Organization, has helped it to minimise the level of resources needed and to build-up a level of expertise and continuity in one agency.

Standards Xanadu has designated that two members of its International Affairs Bureau have responsibility for the notification and enquiry roles required. The roles of the officials are as follows:

- ✓ Director: Develops national policies and procedures, oversees staff management and development, and liaises with other domestic and international agencies.
- ✓ Administrative Assistant: Day to day running of the national notification authority and national enquiry point, routine liaison with other agencies, responding to requests, locating information.

Notifications from other WTO members were initially received by fax from Xanadu's diplomatic mission in Geneva. However with the recent email delivery service developed on the initiative on the WTO Secretariat, Standards Xanadu is making the transition to receiving notifications via email and only using paper copies as a backup method.

Notifications upon receipt are printed and then copied and sent by mail or fax to relevant government agencies and other interested industry groups within the country.

ANNEX B**SPS National Notification Authority**

For a country making a notification

- Letter/fax – submission of SPS notification to WTO Central Registry of Notifications
- Letter/fax – acknowledging receipt of documents sent by another WTO Member

For a country following up a notification

- Letter/fax – sending documents requested by another WTO Member
- Letter/fax – requesting document notified by another WTO Member

SPS National Enquiry Point

For a country making an NEP request

- Letter/fax – making an NEP information request

For a country following up on NEP request

- Letter/fax – acknowledging receipt of an NEP information request
- Letter/fax - providing information requested from an NEP information request

TEMPLATE: Letter/fax – submission of SPS notification to WTO Central Registry of Notifications

[Logo or header, etc]

[Insert your agency name]

[Address]

[Telephone number]

[Fax number]

[Email address]

To: Central Registry of Notifications
World Trade Organization

Fax: (+41 22) 739 5197

Date: [Insert date]

From: [Insert name]
[Insert title, agency name]

Subject: **[INSERT NOTIFICATION REFERENCE NUMBER]**
FILE REFERENCE: [INSERT YOUR REFERENCE NUMBER]

Number of pages (including this cover sheet) [number of pages]

[ROUTINE/EMERGENCY] SPS NOTIFICATION FROM [WTO MEMBER]

Please find enclosed [a routine/an emergency] SPS notification from [insert WTO member name].

Thank you for your assistance.

Yours sincerely

[Insert name]

[Insert title, agency name]

[WTO Member] SPS National Notification Authority

TEMPLATE: Letter/fax – acknowledging receipt of documents sent by another WTO Member

[Logo or header, etc]

[Insert your agency name]

[Address]

[Telephone number]

[Fax number]

[Email address]

To: [Insert agency name]

Fax: [Insert fax number]

Date: [Insert date]

From: [Insert name]
[Insert title, agency name]

Subject: **[INSERT NOTIFICATION REFERENCE NUMBER]**
FILE REFERENCE: [INSERT YOUR REFERENCE NUMBER]

Number of pages (including this cover sheet) 1

**ACKNOWLEDGEMENT OF DOCUMENT RECEIPT – [INSERT NOTIFICATION
NUMBER]**

Thank you for providing the documents notified under country's SPS notification(s) – [Insert notification number] that we requested.

We appreciate your time and help.

Yours sincerely

[Insert name]

[Insert title, agency name]

[WTO Member] SPS National Notification Authority

TEMPLATE: Letter/Fax – sending document requested by another WTO Member

[Logo or header, etc]

[Insert your agency name]

[Address]

[Telephone number]

[Fax number]

[Email address]

To: [Insert agency name]

Fax: [Insert fax number]

Date: [Insert date]

From: [Insert name]
[Insert title, agency name]

Subject: **[INSERT NOTIFICATION REFERENCE NUMBER]**
FILE REFERENCE: [INSERT YOUR REFERENCE NUMBER]

Number of pages (including this cover sheet) 1

REQUEST FOR DOCUMENT NOTIFIED – [INSERT NOTIFICATION NUMBER]

Thank you for your [letter/fax/email] of [date] requesting the document notified under our SPS notification [Insert notification number]

Please find enclosed a copy of the document notified:

[Insert document title here]

We trust this information will be of use to you. Do not hesitate to contact us if you require any further assistance.

Yours sincerely

[Insert name]

[Insert title, agency name]

[WTO Member] SPS National Notification Authority

TEMPLATE: Letter/fax – requesting document notified by another WTO Member

[Logo or header, etc]

[Insert your agency name]

[Address]

[Telephone number]

[Fax number]

[Email address]

To: [Insert agency name]

Fax: [Insert fax number]

Date: [Insert date]

From: [Insert name]
[Insert title, agency name]

Subject: **[INSERT NOTIFICATION REFERENCE NUMBER]**
FILE REFERENCE: [INSERT YOUR REFERENCE NUMBER]

Number of pages (including this cover sheet) 1

REQUEST FOR DOCUMENT NOTIFIED – [INSERT NOTIFICATION NUMBER]

I am writing in response to your SPS notification [Insert notification number]

Could you please send me a copy of the document notified:

[Insert document title here]

by [fax/email/post].

If an [English/Spanish/French] translation or summary of the document exists could you please send that as well. If a translation does not exist, could you please advise which other WTO members have requested this document. *[Use this paragraph if you wish to request a translation or summary of the document in another WTO working language.]*

Thank you for your assistance.

Yours sincerely

[Insert name]

[Insert title, agency name]

[WTO Member] SPS National Notification Authority

TEMPLATE: Letter/fax – making an NEP information request

[Logo or header, etc]

[Insert your agency name]

[Address]

[Telephone number]

[Fax number]

[Email address]

To: [Insert agency name]

Fax: [Insert fax number]

Date: [Insert date]

From: [Insert name]
[Insert title, agency name]

Subject: **SPS NATIONAL ENQUIRY POINT REQUEST – [REQUEST TITLE]**
FILE REFERENCE: [INSERT YOUR REFERENCE NUMBER]

Number of pages (including this cover sheet) 1

Dear [insert name]

Could you please obtain from the relevant government authority information on [insert NEP request details].

Could you please send this information preferably by [mail/email/fax] if possible. Your assistance is greatly appreciated.

Yours sincerely

[Insert name]

[Insert title, agency name]

[WTO Member] SPS National Enquiry Point

TEMPLATE: Letter/fax – acknowledging receipt of an NEP information request

[Logo or header, etc]

[Insert your agency name]

[Address]

[Telephone number]

[Fax number]

[Email address]

To: [Insert agency name]

Fax: [Insert fax number]

Date: [Insert date]

From: [Insert name]
[Insert title, agency name]

Subject: **SPS NATIONAL ENQUIRY POINT REQUEST – [REQUEST TITLE]**
FILE REFERENCE: [INSERT YOUR REFERENCE NUMBER]

Number of pages (including this cover sheet) 1

Dear [insert name]

Thank you for your [letter/fax/email] of [date] requesting the information on [insert details of SPS NEP request].

We have passed your request to [insert name of government authority], which is the relevant government authority for such matters. We will supply the requested information to you once we have received a reply from them.

Yours sincerely

[Insert name]

[Insert title, agency name]

[WTO Member] SPS National Enquiry Point

TEMPLATE: Letter/fax – providing information requested from an NEP information request

[Logo or header, etc]

[Insert your agency name]

[Address]

[Telephone number]

[Fax number]

[Email address]

To: [Insert agency name]

Fax: [Insert fax number]

Date: [Insert date]

From: [Insert name]
[Insert title, agency name]

Subject: **SPS NATIONAL ENQUIRY POINT REQUEST – [REQUEST TITLE]**
FILE REFERENCE: [INSERT YOUR REFERENCE NUMBER]

Number of pages (including this cover sheet) 1

Dear [insert name]

Thank you for your [letter/fax/email] of [date] requesting the information on [insert details of SPS NEP request].

Please find enclosed the relevant information that you requested:

[Insert document title here or nature of information]

We trust this information will be of use to you. Do not hesitate to contact us if you require any further assistance.

Yours sincerely

[Insert name]

[Insert title, agency name]

[WTO Member] SPS National Enquiry Point

ANNEX C

**WORLD TRADE
ORGANIZATION**G/SPS/7/Rev.2
2 April 2002

(02-1650)

Committee on Sanitary and Phytosanitary Measures**RECOMMENDED PROCEDURES FOR IMPLEMENTING
THE TRANSPARENCY OBLIGATIONS OF
THE SPS AGREEMENT (ARTICLE 7)**Revision

1. Transparency in the context of the World Trade Organization (WTO) is used to signify one of the fundamental principles of its agreements: the aim is to achieve a greater degree of clarity, predictability and information about trade policies, rules and regulations of Members. In implementing this concept Members use notifications. Under the SPS Agreement, notifications are used to inform other Members about new or changed regulations that may significantly affect their trading partners⁸. Transparency under the SPS Agreement also includes answering reasonable questions, and publishing regulations.

2. These procedures have been developed to assist Members fulfil their transparency obligations under Article 7 and Annex B of the SPS Agreement regarding the notification of SPS regulations, answering information requests under the national enquiry point system and publishing regulations.

3. When a Member's national notification authority or national enquiry point has been established, or changed, the WTO Secretariat should be informed. The Secretariat regularly circulates a list of all Members' notification authorities and enquiry points. These lists are updated three or four times a year. The national enquiry points are listed in the G/SPS/ENQ/ document series of the WTO, and the notification authorities are listed in the G/SPS/NNA/ series. To be included in these lists, it is useful to provide the following information:

- Contact name
- Name of institution
- Postal address / physical address
- Phone
- Fax
- E-mail
- Website address

4. Members should also refer to the guidelines on transparency contained in the handbook *How to apply the transparency provisions of the SPS Agreement*, when notifying regulations and operating national enquiry points in accordance with Article 7 and Annex B of the SPS Agreement.

⁸ The SPS Agreement uses the terms 'measures' and 'regulations' somewhat interchangeably when referring to any sanitary or phytosanitary measure such as laws, decrees, or ordinances applied to protect human, animal or plant life or health as defined under paragraph 1 of Annex A to the SPS Agreement.

RECOMMENDED NOTIFICATION PROCEDURES

5. Members should follow these procedures when notifying regulations as required in paragraphs 5 or 6 of Annex B. The form for routine notifications (Section H below) should be used for notifications in accordance with paragraph 5 of Annex B, whereas the form for emergency notifications (Section I below) should be used for notifications as provided for in paragraph 6 of Annex B.

A. APPLICATION OF ANNEX B, PARAGRAPH 5 (PREAMBULAR PART) OF THE SPS AGREEMENT

6. For the purposes of Annex B, paragraphs 5 and 6 in the SPS Agreement, the concept of "significant effect on trade of other Members" may refer to the effect on trade:

- of one sanitary or phytosanitary regulation only or of various sanitary or phytosanitary regulations in combination;
- in a specific product, group of products or products in general; and
- between two or more Members.

7. When assessing whether the sanitary or phytosanitary regulation may have a significant effect on trade, the Member concerned should take into consideration, using relevant information which is available, such elements as the value or other importance of imports in respect of the importing and/or exporting Members concerned, whether from other Members individually or collectively, the potential development of such imports, and difficulties for producers in other Members, particularly in developing country Members, to comply with the proposed sanitary or phytosanitary regulations. The concept of a significant effect on trade of other Members should include both import-enhancing and import-reducing effects on the trade of other Members, as long as such effects are significant.

B. TIMING OF NOTIFICATIONS

8. When implementing the provisions of paragraph 5 of Annex B, a notification should be made when a draft with the complete text of a proposed regulation is available and when amendments can still be introduced and comments taken into account. Members shall normally allow a period of at least sixty days for comments.

9. A notification shall be made well before the entry into force of the relevant measure, except when urgent problems of health protection arise or threaten to arise for the Member concerned. Any regulation brought into force in urgent circumstances must be notified immediately and a rationale for the urgent action provided.

10. The late notification of a measure already in force does not in and of itself constitute sufficient reason for the use of the emergency format. When urgent problems of health protection are not involved, late notifications should be made using the regular format and consideration should still be given to all comments received.

C. REQUESTING DOCUMENTS RELATED TO A NOTIFICATION

11. Members requesting documents related to a notification should provide all the elements permitting the identification of the documents, and in particular the WTO SPS notification number to which the requests refer.

12. When requesting an electronic transmission of documents from another Member, Members should indicate which electronic formats they are able to receive, including compatible versions.

D. PROVIDING DOCUMENTS RELATED TO A NOTIFICATION*Address of body supplying the documents*

13. Members should indicate under point 12 of the WTO notification format the full address of the body responsible for supplying the relevant documents if that body is not the notification authority or the enquiry point.

Responding to requests

14. Documents requested should normally be provided within five working days. 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.

15. Documents supplied in response to a request should be identified with the WTO SPS notification number to which the request refers.

16. Members should use fax and e-mail facilities to the extent possible in responding to requests for documentation or information. Members are encouraged to publish their sanitary or phytosanitary measures on the world wide web, to facilitate the supply of documents.

Acknowledging receipt of documents

17. The Member requesting documents relating to a notification should acknowledge receipt of the documents provided.

Translation of documents

18. When a translation of a relevant document exists or is planned, this fact should be indicated on the WTO notification form next to the title of the document. If only a translated summary exists, the fact that such a summary is available should be similarly indicated.

19. If a translation of a document or summary exists in the language of the requesting Member, or, as the case may be, in the WTO working language used by the requesting Member, it should be automatically sent with the original of the document requested.

20. Where documents are not available in a WTO working language, developed country Members shall, upon request, supply a translation of the document, or in case of voluminous documents, a translation of a summary of the documents, in a WTO working language.

21. When a Member seeks a copy of a document relating to a notification which does not exist in that Member's WTO working language, the notifying Member should advise the requesting Member of other Members that have requested, as of that date, a copy of the document. The Member seeking a copy of a document relating to a notification may contact other Members in order to determine whether the latter are prepared to share any translation that they have or will be making.

22. Any Member possessing an unofficial translation of a document relating to a notification should inform the notifying Member of the existence of the unofficial translation and is encouraged to make it available to other interested Members, through electronic facilities where appropriate. In doing so, the Member should clearly indicate the unofficial and non-committal nature of the translation.

E. HANDLING OF COMMENTS ON NOTIFICATIONS

23. Each Member should notify the WTO Secretariat of the authority or agency (e.g. its notification authority) which it has designated to be in charge of handling comments received, and of any change and/or modification of such authority or agency.

24. Members submitting comments on a notified draft regulation should provide them without unnecessary delay to the authority designated to handle the comments, or to the national notification authority if no other designation is made.

25. A Member receiving comments through the designated body should, without further request:

- (i) acknowledge the receipt of such comments;
- (ii) explain within a reasonable period of time, and at the earliest possible date before the adoption of the measure, to any Member from which it has received comments, how it will take these comments into account and, where appropriate, provide additional relevant information on the proposed sanitary or phytosanitary regulations concerned;
- (iii) provide to any Member from which it has received comments, a copy of the corresponding sanitary or phytosanitary regulations as adopted or information that no corresponding sanitary or phytosanitary regulations will be adopted for the time being;
- (iv) where possible make available to other Members comments and questions it has received and answers it has provided, preferably through electronic facilities.

26. Members should grant requests for extension of the comment period wherever practicable, in particular with regard to notifications relating to products of particular interest to developing country Members, where there have been delays in receiving and translating the relevant documents or where there is a need for further clarification of the measure notified. A 30-day extension should normally be provided.

F. ADDENDA, CORRIGENDA AND REVISIONS

27. Members, in addition to their original notifications, can also provide supplementary information in three different forms.

- An addendum is used to provide additional information or changes to an original notification. A Member may wish to indicate on the addendum if the final regulation has been substantially modified from the notified proposal.
- A corrigendum is used to correct an error in an original notification such as an incorrect address detail.
- A revision is used to replace an existing notification.

Any addendum or corrigendum should be read in conjunction with the original notification.

Addenda

28. Members should notify changes in the status of a notified SPS regulation. The issuance of an addendum allows Members to track the status of an SPS regulation via its unique notification number. Addenda to SPS notifications should be made in a number of circumstances, such as:

- (a) when a proposed regulation is either adopted or comes into force. A Member may wish to indicate on the addendum if the final regulation has been substantially modified from the notified proposal.
- (b) if a proposed regulation is withdrawn;

- (c) if a regulation is revoked;
 - (d) if the comment period has been extended;
 - (e) if the period of application of the existing notification is extended;
 - (f) if the scope of application of the existing notification is reduced, either in terms of Members affected or products covered. Such a change may warrant the extension of the comment period.
29. An addendum should:
- briefly recap what was notified, when and what it was about - this is a practical requirement, and reduces the need for Members to have to go back to the original notification to check what it was about;
 - specify what change has been made and why - briefly state why the information, dates, etc have been changed; and
 - restate the comments deadline, even if it has not been changed - as a reminder to Members that if they wish to comment it must be done by this date.
30. A form for making an addendum is available in section H for routine notifications and section I for notifications of emergency measures.

Corrigenda

31. Members should inform the Secretariat of any error(s) contained in their original notification. The Secretariat will issue a corrigendum accordingly.
32. A form for making a corrigendum is available in section H for routine notifications and section I for notifications of emergency measures.

Revisions

33. Revisions replace an existing notification. Revisions should be submitted, for example, when the scope of application of a notified regulation is extended, either in terms of Members affected or products covered, or if a notification contained a large number of errors which necessitated issuing a revision. A Member should provide a further period for comments on the revised notification, normally 60 days.
34. A form for making a revision is available in section H for routine notifications and section I for notifications of emergency measures.

G. REGULATIONS THAT CONTAIN BOTH SPS AND TBT MEASURES

35. When a regulation contains both SPS and TBT measures, it should be notified according to both the SPS and TBT Agreements, preferably with an indication of which parts of the regulation fall under SPS Agreement (e.g. a food safety measure) and which parts fall under the TBT Agreement (e.g., quality or compositional requirements).

H. COMPLETION OF FORMATS - ROUTINE NOTIFICATIONS (ANNEX B, PARAGRAPH 5)

36. Information contained in the notifications should be as complete as possible and no section should be left blank. Where necessary, "not known" or "not stated" should be indicated.

Item	Description
1. Member notifying	Government, including the competent authorities of the European Communities, which is making the notification.
2. Agency responsible	Body elaborating a proposal for or promulgating a sanitary or phytosanitary regulation.
3. Products covered	Tariff item number(s) (normally HS, chapter or heading and number) as contained in national schedules deposited with the WTO. ICS numbers should be provided in addition, where applicable. A clear description is important for an understanding of the notification by delegations and translators. Abbreviations should be avoided.
4. Regions or countries likely to be affected	The geographical regions or countries likely to be affected by the notified regulation should be identified to the extent relevant or practicable.
5. Title, language and number of pages of the notified document	<p>Title of the proposed or adopted (in the case of late submissions) sanitary or phytosanitary regulation. Number of pages in the notified document. Languages in which the notified document is available.</p> <p>If a translation exists of the whole document, or a translated summary of the document exists, indicate this here.</p>
6. Description of content	<p>A summary of the proposed or adopted (in the case of late submissions) sanitary or phytosanitary regulation clearly indicating its content and health protection objective. The summary should be as complete and accurate as possible to allow the full understanding of the proposed regulation. To the extent possible, likely effects on trade should be described. Abbreviations should be avoided. Where practicable it should also include an outline of the specific sanitary measures the regulation will apply.</p> <p>When a regulation contains both SPS and TBT measures, it should be notified according to both the SPS and TBT Agreements, preferably with an indication of which parts of the regulation fall under the SPS Agreement and which parts fall under the TBT Agreement.</p>
7. Objective and rationale	State whether objective is: protection of human health from food-borne risks; or protection of human health from plant- or animal-carried diseases; or protection of animal health from pests or diseases; or protection of animal health from contaminated feed; or protection of plant health from pests or diseases; or prevention of other damage from entry, establishment or spread of pests.

Item	Description
8. Existence of international standard, guideline or recommendation	If a relevant international standard, guideline or recommendation exists, put a cross in the box provided for the appropriate standard-setting organisation and give the appropriate reference of the existing standard, guideline or recommendation and briefly describe how the proposed regulation deviates from the international standard, guideline or recommendation. If no international standards, guideline or recommendation exists, put a cross in the box 'none'.
9. Relevant documents and language(s) in which these are available	Documents referenced here are different from those listed in box 5. Documents which should be referenced include: (a) Publication where notice of the proposed regulation appears, including date and reference numbers; (b) Proposal and basic document to which proposal refers (with specific reference number or other identification), and the language(s) in which the notified documents and any summary of these are available; (c) Publication in which proposal will appear when adopted. If it is necessary to charge for documents supplied, the amount of the charge should be indicated.
10. Proposed date of adoption	The date when the sanitary or phytosanitary regulation is expected to be adopted.
11. Proposed date of entry into force	The date from which the requirements in the regulation are proposed or decided to enter into force. Where appropriate, Members should accord longer time-frames for compliance on products of interest to developing country Members.
12. Final date for comments and agency or authority handling comments	The date by which Members may submit comments in accordance with Annex B, Paragraph 5(b) of the SPS Agreement. A specific date should be indicated. A Member shall normally allow a period of at least sixty days for comment. Any Member which is able to provide a time limit beyond sixty days is encouraged to do so. The agency or authority which has been designated to handle the comments should be indicated. If this is the national notification authority or the national enquiry point, put a cross in the box provided. If another agency or authority has been designated, provide its name, address, fax and (if available) E-mail address. For proposed measures which facilitate trade, Members may reduce or eliminate the period for receiving comments.
13. Texts available from	If available from the national notification authority or the enquiry point, put a cross in the respective box. If available from another body, give its address, fax number and (if available) E-mail address. Such indications do not in any way discharge the relevant enquiry point of its responsibilities under the provisions of Annex B, Paragraphs 3 and 4 of the SPS Agreement. World wide web address of document notified, if available.

WORLD TRADE ORGANIZATION

G/SPS/N/COUNTRY/
date of distribution

(##-####)

Committee on Sanitary and Phytosanitary Measures

Original:

NOTIFICATION

1.	Member to Agreement notifying: If applicable, name of local government involved:
2.	Agency responsible:
3.	Products covered (provide tariff item number(s) as specified in national schedules deposited with the WTO; ICS numbers should be provided in addition, where applicable):
4.	Regions or countries likely to be affected, to the extent relevant or practicable:
5.	Title, language and number of pages of the notified document:
6.	Description of content:
7.	Objective and rationale: <input type="checkbox"/> food safety, <input type="checkbox"/> animal health, <input type="checkbox"/> plant protection, <input type="checkbox"/> protect humans from animal/plant pest or disease, <input type="checkbox"/> protect territory from other damage from pests
8.	International standard, guideline or recommendation: <input type="checkbox"/> Codex Alimentarius Commission, <input type="checkbox"/> Office International des Epizooties, <input type="checkbox"/> International Plant Protection Convention, <input type="checkbox"/> None If an international standard, guideline or recommendation exists, give the appropriate reference and briefly identify deviations:
9.	Relevant documents and language(s) in which these are available:
10.	Proposed date of adoption:
11.	Proposed date of entry into force:
12.	Final date for comments: Agency or authority designated to handle comments: <input type="checkbox"/> National notification authority, <input type="checkbox"/> National enquiry point, or address, fax number and E-mail address (if available) of other body:
13.	Texts available from: <input type="checkbox"/> National notification authority, <input type="checkbox"/> National enquiry point, or address, fax number and E-mail address (if available) of other body:

WORLD TRADE ORGANIZATION

G/SPS/N/COUNTRY/##/Rev.#
date of distribution

(##-####)

Committee on Sanitary and Phytosanitary Measures

Original:

NOTIFICATION

Revision

1.	Member to Agreement notifying: If applicable, name of local government involved:
2.	Agency responsible:
3.	Products covered (provide tariff item number(s) as specified in national schedules deposited with the WTO; ICS numbers should be provided in addition, where applicable):
4.	Regions or countries likely to be affected, to the extent relevant or practicable:
5.	Title, language and number of pages of the notified document:
6.	Description of content:
7.	Objective and rationale: <input type="checkbox"/> food safety, <input type="checkbox"/> animal health, <input type="checkbox"/> plant protection, <input type="checkbox"/> protect humans from animal/plant pest or disease, <input type="checkbox"/> protect territory from other damage from pests
8.	International standard, guideline or recommendation: <input type="checkbox"/> Codex Alimentarius Commission, <input type="checkbox"/> Office International des Epizooties, <input type="checkbox"/> International Plant Protection Convention, <input type="checkbox"/> None If an international standard, guideline or recommendation exists, give the appropriate reference and briefly identify deviations:
9.	Relevant documents and language(s) in which these are available:
10.	Proposed date of adoption:
11.	Proposed date of entry into force:
12.	Final date for comments: Agency or authority designated to handle comments: <input type="checkbox"/> National notification authority, <input type="checkbox"/> National enquiry point, or address, fax number and E-mail address (if available) of other body:
13.	Texts available from: <input type="checkbox"/> National notification authority, <input type="checkbox"/> National enquiry point, or address, fax number and E-mail address (if available) of other body:

WORLD TRADE ORGANIZATION

G/SPS/N/COUNTRY/#/Add.#
date of distribution

(##-####)

Committee on Sanitary and Phytosanitary Measures

Original:

NOTIFICATION

Addendum

The following communication, dated # Month Year has been received from [Member].

Title outlining what the SPS measure or product is

[Text]

[Where the notified document can be obtained from – include contact name, agency, full address, telephone, facsimile, and email as appropriate].

WORLD TRADE ORGANIZATION

G/SPS/N/COUNTRY/#/Corr.#
date of distribution

(##-####)

Committee on Sanitary and Phytosanitary Measures

Original:

NOTIFICATION

Corrigendum

The following communication, dated # Month Year has been received from [Member].

Title outlining what the SPS measure or product is

[Text]

[Where the notified document can be obtained from – include contact name, agency, full address, telephone, facsimile, and email as appropriate].

I. COMPLETION OF FORMATS - EMERGENCY NOTIFICATIONS (ANNEX B, PARAGRAPH 6)

37. Information contained in the notification form should be as complete as possible and no section should be left blank. Where necessary, "not known" or "not stated" should be indicated.

Item	Description
1. Member notifying	Government, including the competent authorities of the European Communities, which is making the notification.
2. Agency responsible	Body elaborating a proposal for or promulgating a sanitary or phytosanitary regulation.
3. Products covered	Tariff item number(s) (normally HS, chapter or heading and number) as contained in national schedules deposited with the WTO. ICS numbers should be provided in addition, where applicable. A clear description is important for an understanding of the notification by delegations and translators. Abbreviations should be avoided.
4. Regions or countries likely to be affected	The geographical regions or countries likely to be affected by the notified regulation should be identified to the extent relevant or practicable.
5. Title, language and number of pages of the notified document	<p>Title of the proposed or adopted sanitary or phytosanitary regulation. Number of pages in the notified document. Languages in which the notified document is available.</p> <p>If a translation exists of the whole document, or a translated summary of the document exists, indicate this here.</p>
6. Description of content	<p>A summary of the proposed or adopted sanitary or phytosanitary regulation clearly indicating its content and health protection objective. The summary should be as complete and accurate as possible to allow the full understanding of the proposed regulation. To the extent possible, likely effects on trade should be described. Abbreviations should be avoided. Where practicable it should also include an outline of the specific sanitary measures the regulation will apply.</p> <p>When a regulation contains both SPS or TBT measures, it should be notified according to both the SPS and TBT Agreements, preferably with an indication of which parts of the regulation fall under the SPS Agreement and which parts fall under the TBT Agreement.</p>

Item	Description
7. Objective and rationale	State whether objective is: protection of human health from food-borne risks; or protection of human health from plant- or animal-carried diseases; or protection of animal health from pests or diseases; or protection of animal health from contaminated feed; or protection of plant health from pests or diseases; or prevention of other damage from entry, establishment or spread of pests.
8. Nature of urgent problem(s) and reason for urgent action	Indication of the underlying reasons for resorting to emergency action.
9. Existence of international standard, guideline or recommendation	If a relevant international standard, guideline or recommendation exists, put a cross in the box provided for the appropriate standard-setting organisation and give the appropriate reference of the existing standard, guideline or recommendation and briefly describe how the proposed regulation deviates from the international standard, guideline or recommendation. If no international standards, guideline or recommendation exists, put a cross in the box 'none'.
10. Relevant documents and language(s) in which these are available	Documents referenced here are different to those listed in box 5. Documents which should be referenced include: (a) Measure(s) taken and basic regulation which was modified (with specific reference number or other identification), and the language(s) in which the notified documents and any summary of these are available; (b) Publication in which regulation will appear; If it is necessary to charge for documents supplied, the amount of the charge should be indicated.
11. Date of entry into force and period of application	The date from which the requirements entered into force, and, if applicable, the period of time during which they will apply. (For example: immediate entry into force [date], duration of two months.)
12. Agency or authority handling comments	The agency or authority which has been designated to handle the comments should be indicated. If this is the national notification authority or the national enquiry point, put a cross in the box provided. If another agency or authority has been designated, provide its name, address, fax and (if available) E-mail address.
13. Texts available from	If available from the national notification authority or enquiry point, put a cross in the respective box. If available from another body, give its address, fax number and (if available) E-mail address. Such indications do not in any way discharge the relevant enquiry point of its responsibilities under the provisions of Annex B, Paragraphs 3 and 4 of the SPS Agreement. World wide web address of document notified, if available.

WORLD TRADE ORGANIZATION

G/SPS/N/COUNTRY/
date of distribution

(##-####)

Committee on Sanitary and Phytosanitary Measures

Original:

NOTIFICATION OF EMERGENCY MEASURES

1.	Member to Agreement notifying: If applicable, name of local government involved:
2.	Agency responsible:
3.	Products covered (provide tariff item number(s) as specified in national schedules deposited with the WTO; ICS numbers should be provided in addition, where applicable):
4.	Regions or countries likely to be affected, to the extent relevant or practicable:
5.	Title, language and number of pages of the notified document:
6.	Description of content:
7.	Objective and rationale: <input type="checkbox"/> food safety, <input type="checkbox"/> animal health, <input type="checkbox"/> plant protection, <input type="checkbox"/> protect humans from animal/plant pest or disease, <input type="checkbox"/> protect territory from other damage from pests
8.	Nature of the urgent problem(s) and reason for urgent action:
9.	International standard, guideline or recommendation: <input type="checkbox"/> Codex Alimentarius Commission, <input type="checkbox"/> Office International des Epizooties, <input type="checkbox"/> International Plant Protection Convention, <input type="checkbox"/> None If an international standard, guideline or recommendation exists, give the appropriate reference and briefly identify deviations:
10.	Relevant documents and language(s) in which these are available:
11.	Date of entry into force/period of application (as applicable):
12.	Agency or authority designated to handle comments: <input type="checkbox"/> National notification authority, <input type="checkbox"/> National enquiry point, or address, fax number and E-mail address (if available) of other body:
13.	Texts available from: <input type="checkbox"/> National notification authority, <input type="checkbox"/> National enquiry point, or address, fax number and E-mail address (if available) of other body:

WORLD TRADE ORGANIZATION

G/SPS/N/COUNTRY/##/Rev.#
date of distribution

(##-####)

Committee on Sanitary and Phytosanitary Measures

Original:

NOTIFICATION OF EMERGENCY MEASURES

Revision

1.	Member to Agreement notifying: If applicable, name of local government involved:
2.	Agency responsible:
3.	Products covered (provide tariff item number(s) as specified in national schedules deposited with the WTO; ICS numbers should be provided in addition, where applicable):
4.	Regions or countries likely to be affected, to the extent relevant or practicable:
5.	Title, language and number of pages of the notified document:
6.	Description of content:
7.	Objective and rationale: <input type="checkbox"/> food safety, <input type="checkbox"/> animal health, <input type="checkbox"/> plant protection, <input type="checkbox"/> protect humans from animal/plant pest or disease, <input type="checkbox"/> protect territory from other damage from pests
8.	Nature of the urgent problem(s) and reason for urgent action:
9.	International standard, guideline or recommendation: <input type="checkbox"/> Codex Alimentarius Commission, <input type="checkbox"/> Office International des Epizooties, <input type="checkbox"/> International Plant Protection Convention, <input type="checkbox"/> None If an international standard, guideline or recommendation exists, give the appropriate reference and briefly identify deviations:
10.	Relevant documents and language(s) in which these are available:
11.	Date of entry into force/period of application (as applicable):
12.	Agency or authority designated to handle comments: <input type="checkbox"/> National notification authority, <input type="checkbox"/> National enquiry point, or address, fax number and E-mail address (if available) of other body:
13.	Texts available from: <input type="checkbox"/> National notification authority, <input type="checkbox"/> National enquiry point, or address, fax number and E-mail address (if available) of other body:

WORLD TRADE**ORGANIZATION****G/SPS/N/COUNTRY/#/Add.#**
date of distribution

((#-####))

Committee on Sanitary and Phytosanitary Measures

Original:

NOTIFICATION OF EMERGENCY MEASURESAddendum

The following communication, dated # Month Year has been received from [Member].

Title outlining what the SPS measure or product is

[Text]

[Where the notified document can be obtained from – include contact name, agency, full address, telephone, facsimile, and email as appropriate].

WORLD TRADE**ORGANIZATION****G/SPS/N/COUNTRY/#/Corr.#**
date of distribution

((#-####))

Committee on Sanitary and Phytosanitary Measures

Original:

NOTIFICATION OF EMERGENCY MEASURESCorrigendum

The following communication, dated # Month Year has been received from [Member].

Title outlining what the SPS measure or product is

[Text]

[Where the notified document can be obtained from – include contact name, agency, full address, telephone, facsimile, and email as appropriate].

J. NOTIFICATION OF EQUIVALENCE AGREEMENTS

38. The WTO Secretariat has proposed a format for the notification of equivalence agreements and this has been distributed to Members in G/SPS/W/114.

K. COMPLETED NOTIFICATIONS

39. Notifications should be sent by fax, e-mail or air mail from the national notification authority to the central registry of notifications (CRN) at the WTO. The address is:

Central Registry of Notifications
World Trade Organization
Rue de Lausanne 154
1211 Geneva 21
Switzerland
Fax: (+41 22) 739 5638
e-mail: crn@wto.org

Members are not required to send the legal texts of the proposed regulation that is being notified.

GUIDELINES FOR NATIONAL ENQUIRY POINT REQUESTS

40. The national enquiry point system established under the SPS Agreement is an effective avenue for obtaining information regarding SPS systems and measures from other Members.

41. The national enquiry point handles on a routine basis:

- document and information requests;
- general enquiries; and
- delivery and charging of documents.

42. National enquiry points should also provide, upon request, information on participation in any bilateral or multilateral equivalence agreements and arrangements.

L. DELIVERY AND CHARGING

43. While the mode of delivery is at the discretion of the Member concerned, it is recommended that delivery of documents should be by the fastest means possible. In the first instance, if the Member has such facilities, the documents should be sent by e-mail, or by fax. Alternatively, a Member can send the documents by post or via a requesting Member's diplomatic mission in their territory.

44. A Member may only charge the same cost for the documents as it would for its own nationals plus the cost of delivering the documents.

PUBLICATION OF REGULATIONS

45. The publication of regulations is a fundamental component of transparency under the SPS Agreement. This is a general obligation on Members, and does not relate specifically to the work of either the national notification authority or national enquiry point.

46. Members are obliged to:
- (a) ensure that all SPS regulations which have been adopted are published promptly in such a manner as to enable interested countries to become acquainted with them. Regulations to be published include laws, decrees or ordinances which are applicable generally.
 - (b) except in urgent circumstances, allow a reasonable interval between the publication of a sanitary or phytosanitary regulation and its entry into force in order to allow time for producers in exporting Members and particularly in developing country Members, to adapt their products and methods of production to the requirements of the importing country.

M. INTERNET

47. Members are encouraged to publish SPS regulations on the Internet where possible. Publication on the internet has a number of advantages and benefits to Members over more traditional methods. It:
- (a) allows for greater transparency;
 - (b) makes it easier for Members to obtain documents; and
 - (c) reduces the amount of work involved in processing and fulfilling document requests.
-

ANNEX D

**WORLD TRADE
ORGANIZATION****G/SPS/7/Rev.2/Add.1**
25 July 2002

(02-4106)

Committee on Sanitary and Phytosanitary Measures**NOTIFICATION OF DETERMINATION OF THE RECOGNITION OF EQUIVALENCE
OF SANITARY OR PHYTOSANITARY MEASURES**Decision by the CommitteeAddendum

At its meeting of 25-26 June 2002, the Committee adopted the following format and recommended procedures for the notification of determination of the recognition of equivalence of sanitary or phytosanitary measures, as foreseen in Section J, paragraph 39 of the Recommended Procedures for Implementing the Transparency Obligations of the SPS Agreement.

WORLD TRADE ORGANIZATION

G/SPS/EQV/N/#
Date of circulation

(00-0000)

Committee on Sanitary and Phytosanitary Measures

Original:

NOTIFICATION OF DETERMINATION OF THE RECOGNITION OF EQUIVALENCE OF SANITARY OR PHYTOSANITARY MEASURES

The following notification of determination of the recognition of equivalence has been received.

1. Member notifying:
2. Title of the text stating the determination of the recognition of equivalence:
3. Parties involved:
4. Date of entry into force of the determination of the recognition of equivalence and any associated procedures or regulations:
5. Products covered (HS or CCCN where applicable, otherwise national tariff heading):
6. Description of measures recognized to be equivalent:
7. Further information available from:
<input type="checkbox"/> National Enquiry Point

Recommended Procedures for the Completion of the Notification Format

In accordance with the Decision on Equivalence (G/SPS/19), a Member which has made a determination recognizing the equivalence of sanitary or phytosanitary measures of another Member or Members shall notify other Members through the Secretariat of the measure(s) recognized to be equivalent and of the products affected by this recognition.

For the purposes of this notification, equivalence is defined to be the state wherein sanitary or phytosanitary measures applied in an exporting country, though different from the measures applied in an importing country, achieve, as demonstrated by the exporting country and recognized by the importing country, the importing country's appropriate level of sanitary or phytosanitary protection. A determination of the recognition of equivalence may be with respect to a specific measure or measures related to a certain product or categories of products, or on a systems-wide basis.

Notification should also be made of significant variations to existing equivalence arrangements, including their suspension or rescission.

Item	Description
1. Member notifying	Government, including the competent authorities of the European Communities, which is making the notification.
2. Title of the text stating determination of the recognition of equivalence	Title of any formal or informal agreement, Memorandum of Understanding or other document establishing the determination of recognition of equivalence.
3. Parties involved	Name of the exporting Member or Members whose measure has been determined to be equivalent.
4. Date of entry into force of the determination of the recognition of equivalence and any associated procedures or regulations	Date from which procedures, regulations or other measures based on the determination of recognition of equivalence took effect.
5. Products covered (HS or CCCN where applicable, otherwise national tariff heading)	Tariff item number(s) (normally HS, chapter or heading and number) as contained in national schedules deposited with the WTO of the product(s) which are imported on the basis of the determination of the recognition of equivalence.
6. Brief description of the measure(s) recognized to be equivalent	Clearly indicate the nature of the recognition of equivalence, including which measure(s) of the exporting Member have been determined to be equivalent and which elements of the importing Member's usual requirements are met by these equivalent measures.
7. Further information available from:	The agency or authority from which an interested Member may request further information regarding the specific determination of equivalence being notified. If this is the national enquiry point, check the box provided. If available from another body, give its address, fax number and (if available) E-mail address. Provide the world wide web address of the document, if available.

ANNEX E

AGREEMENT ON THE APPLICATION OF SANITARY AND PHYTOSANITARY MEASURES

*Article 7**Transparency*

Members shall notify changes in their sanitary or phytosanitary measures and shall provide information on their sanitary or phytosanitary measures in accordance with the provisions of Annex B.

ANNEX B

TRANSPARENCY OF SANITARY AND PHYTOSANITARY REGULATIONS

Publication of regulations

1. Members shall ensure that all sanitary and phytosanitary regulations⁹ which have been adopted are published promptly in such a manner as to enable interested Members to become acquainted with them.
2. Except in urgent circumstances, Members shall allow a reasonable interval between the publication of a sanitary or phytosanitary regulation and its entry into force in order to allow time for producers in exporting Members, and particularly in developing country Members, to adapt their products and methods of production to the requirements of the importing Member.

Enquiry points

3. Each Member shall ensure that one enquiry point exists which is responsible for the provision of answers to all reasonable questions from interested Members as well as for the provision of relevant documents regarding:
 - (a) any sanitary or phytosanitary regulations adopted or proposed within its territory;
 - (b) any control and inspection procedures, production and quarantine treatment, pesticide tolerance and food additive approval procedures, which are operated within its territory;
 - (c) risk assessment procedures, factors taken into consideration, as well as the determination of the appropriate level of sanitary or phytosanitary protection;
 - (d) the membership and participation of the Member, or of relevant bodies within its territory, in international and regional sanitary and phytosanitary organizations and systems, as well as in bilateral and multilateral agreements and arrangements within the scope of this Agreement, and the texts of such agreements and arrangements.

⁹ Sanitary and phytosanitary measures such as laws, decrees or ordinances which are applicable generally.

4. Members shall ensure that where copies of documents are requested by interested Members, they are supplied at the same price (if any), apart from the cost of delivery, as to the nationals¹⁰ of the Member concerned.

Notification procedures

5. Whenever an international standard, guideline or recommendation does not exist or the content of a proposed sanitary or phytosanitary regulation is not substantially the same as the content of an international standard, guideline or recommendation, and if the regulation may have a significant effect on trade of other Members, Members shall:

- (a) publish a notice at an early stage in such a manner as to enable interested Members to become acquainted with the proposal to introduce a particular regulation;
- (b) notify other Members, through the Secretariat, of the products to be covered by the regulation together with a brief indication of the objective and rationale of the proposed regulation. Such notifications shall take place at an early stage, when amendments can still be introduced and comments taken into account;
- (c) provide upon request to other Members copies of the proposed regulation and, whenever possible, identify the parts which in substance deviate from international standards, guidelines or recommendations;
- (d) without discrimination, allow reasonable time for other Members to make comments in writing, discuss these comments upon request, and take the comments and the results of the discussions into account.

6. However, where urgent problems of health protection arise or threaten to arise for a Member, that Member may omit such of the steps enumerated in paragraph 5 of this Annex as it finds necessary, provided that the Member:

- (a) immediately notifies other Members, through the Secretariat, of the particular regulation and the products covered, with a brief indication of the objective and the rationale of the regulation, including the nature of the urgent problem(s);
- (b) provides, upon request, copies of the regulation to other Members;
- (c) allows other Members to make comments in writing, discusses these comments upon request, and takes the comments and the results of the discussions into account.

7. Notifications to the Secretariat shall be in English, French or Spanish.

8. Developed country Members shall, if requested by other Members, provide copies of the documents or, in case of voluminous documents, summaries of the documents covered by a specific notification in English, French or Spanish.

9. The Secretariat shall promptly circulate copies of the notification to all Members and interested international organizations and draw the attention of developing country Members to any notifications relating to products of particular interest to them.

10. Members shall designate a single central government authority as responsible for the implementation, on the national level, of the provisions concerning notification procedures according to paragraphs 5, 6, 7 and 8 of this Annex.

¹⁰ When "nationals" are referred to in this Agreement, the term shall be deemed, in the case of a separate customs territory Member of the WTO, to mean persons, natural or legal, who are domiciled or who have a real and effective industrial or commercial establishment in that customs territory.

General reservations

11. Nothing in this Agreement shall be construed as requiring:
- (a) the provision of particulars or copies of drafts or the publication of texts other than in the language of the Member except as stated in paragraph 8 of this Annex; or
 - (b) Members to disclose confidential information which would impede enforcement of sanitary or phytosanitary legislation or which would prejudice the legitimate commercial interests of particular enterprises.
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