

Transparency provisions in the **SPS Agreement**, an overview

SPS Committee Workshop on Transparency
20 June 2022

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Why Transparency?



- Regulatory requirements
 - **changes may affect market access**
- Enhance clarity, predictability
 - **facilitate trade & reduce trade disruptions**
 - **make business environment predictable & stable**
 - **give businesses a clearer view of future opportunities: encourages investment**
- Advance warnings
 - **more time to adapt**
- Improve accountability & responsiveness of regulatory system
 - **seek info, consult, comment**

Transparency obligations

(Article 7 and Annex B)



Notification of draft regulations

receive comments, discuss them upon request and take them into account (recommended* minimum 60 day-comment period)

Publication of regulations

with a transition period (minimum** 6 months before entry into force)

Establishment of National Enquiry Point (NEP)

responsible for the provision of answers to all reasonable questions as well as the provision of relevant documents

Designation of National Notification Authority (NNA)

responsible for implementing the notification requirements of the SPS Agreement

* Recommended Procedures for Implementing the Transparency Obligations of the SPS Agreement (G/SPS/7/Rev.4).

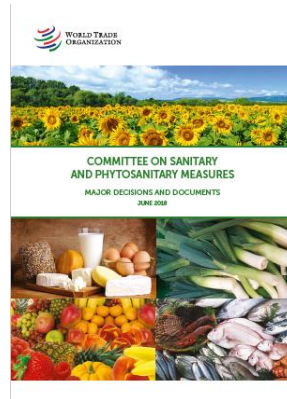
** Ministerial Decision on Implementation-Related Issues and Concerns (WT/MIN(01)/17).

SPS Transparency - *Reference documents*



Available at: www.wto.org/spstransparency

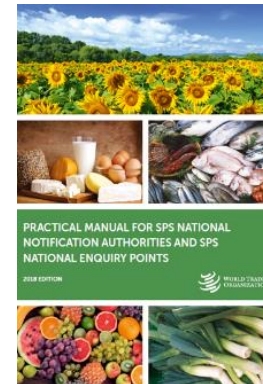
- **SPS Agreement:
Article 7 & Annex B**
- **Major Decisions and Documents**



- **SPS Committee Recommendations:
[G/SPS/7/Rev.4](#)**
- **Practical manual for NNAs/NEPs**



To be updated soon!



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Notification of draft regulations – What to notify?

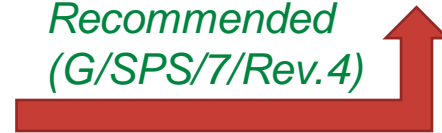
Annex B, Para. 5

- New or modified regulation
+
- No existing international standard or different than the international standard
+
- Significant impact on trade (restricting or facilitating)
- *Same as international standard*



Notify

*Recommended
(G/SPS/7/Rev.4)*



Notification of draft regulations – **When to notify?**

Annex B, Para. 5b



Regular
notifications

When modifications are still
possible (draft text)

Allow for **60-day comment
period**

“...notifications shall take place at an early stage, when amendments can still be introduced and comments taken into account.”

Emergency
measures

IMMEDIATELY!

Notification of draft regulations – **What formats?**



G/SPS/7/Rev. 4, Paras. 2.30. & 2.35

- In addition to original **Regular** or **Emergency** notifications, Members can provide additional information or changes through:
 - **Revision** – replacement of original notification
 - **Addendum*** – modifications/additional information
 - **Corrigendum*** – correct an error
 - **Supplement*** – availability of translation

**Read in conjunction with original notification.*

NOTIFICATION

1.	Notifying Member: <input type="text"/> If applicable, name of local government involved: <input type="text"/>
2.	Agency responsible: <input type="text"/>
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): <input type="text"/>
4.	Regions or countries likely to be affected, to the extent relevant or practicable: <input type="checkbox"/> All trading partners <input type="text"/> <input type="checkbox"/> Specific regions or countries: <input type="text"/>
5.	Title of the notified document: <input type="text"/> Language(s): <input type="text"/> Number of pages: <input type="text"/>
6.	Description of content: <input type="text"/>
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. <input type="text"/>
8.	Is there a relevant international standard? If so, identify the standard: <input type="checkbox"/> Codex Alimentarius Commission (e.g. title or serial number of Codex standard or related text) <input type="text"/> <input type="checkbox"/> World Organization for Animal Health (OIE) (e.g. Terrestrial or Aquatic Animal Health Code, chapter number) <input type="text"/> <input type="checkbox"/> International Plant Protection Convention (e.g. ISPM number) <input type="text"/> <input type="checkbox"/> None
	Does this proposed regulation conform to the relevant international standard? <input type="checkbox"/> Yes <input type="checkbox"/> No
	If no, describe, whenever possible, how and why it deviates from the international standard: <input type="text"/>
9.	Other relevant documents and language(s) in which these are available: <input type="text"/>
10.	Proposed date of adoption (dd/mm/yy): <input type="text"/> Proposed date of publication (dd/mm/yy): <input type="text"/>

11.	Proposed date of entry into force: <input type="checkbox"/> Six months from date of publication, and/or (dd/mm/yy): <input type="text"/> <input type="checkbox"/> Trade facilitating measure <input type="text"/>
12.	Final date for comments: <input type="checkbox"/> Sixty days from the date of circulation of the notification and/or (dd/mm/yy): <input type="text"/> Agency or authority designated to handle comments: <input type="checkbox"/> National Notification Authority, <input type="checkbox"/> National Enquiry Point. Address, fax number and e-mail address (if available) of other body: <input type="text"/>
13.	Texts available from: <input type="checkbox"/> National Notification Authority, <input type="checkbox"/> National Enquiry Point. Address, fax number and e-mail address (if available) of other body: <input type="text"/>

Notification of draft regulations – **What to submit?**

Recommended procedures - G/SPS/7/Rev. 4

Notification of draft regulations – **What to submit**



along with the notification? How to share text of draft regulations?

- Provide **copies of the proposed regulation** to other Members - *upon request*
- Provide the **website address** or a specific hyperlink to these documents - *if the relevant documents are available from a website*

Annex B, Para. 5(c) & Para. 6(b)
G/SPS/7/Rev.4, Para. 2.13.

Notification of draft regulations – **Translations of notified regulations?**

Annex B, Para. 8

which are not in WTO working languages

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

G/SPS/7/Rev.4, para. 2.23.

Notification of draft regulations: **What else to notify?**



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

Notification of draft regulations - **Where to find the notification formats?**

- **G/SPS/7/Rev.4** – SPS Committee
Recommended Procedures on Transparency
- WTO website – **SPS Transparency toolkit**
www.wto.org/spstransparency
- Online submission of SPS Notifications via
ePing SPS&TBT Platform
<https://eping.wto.org/>

Transparency obligations

(Article 7 and Annex B)



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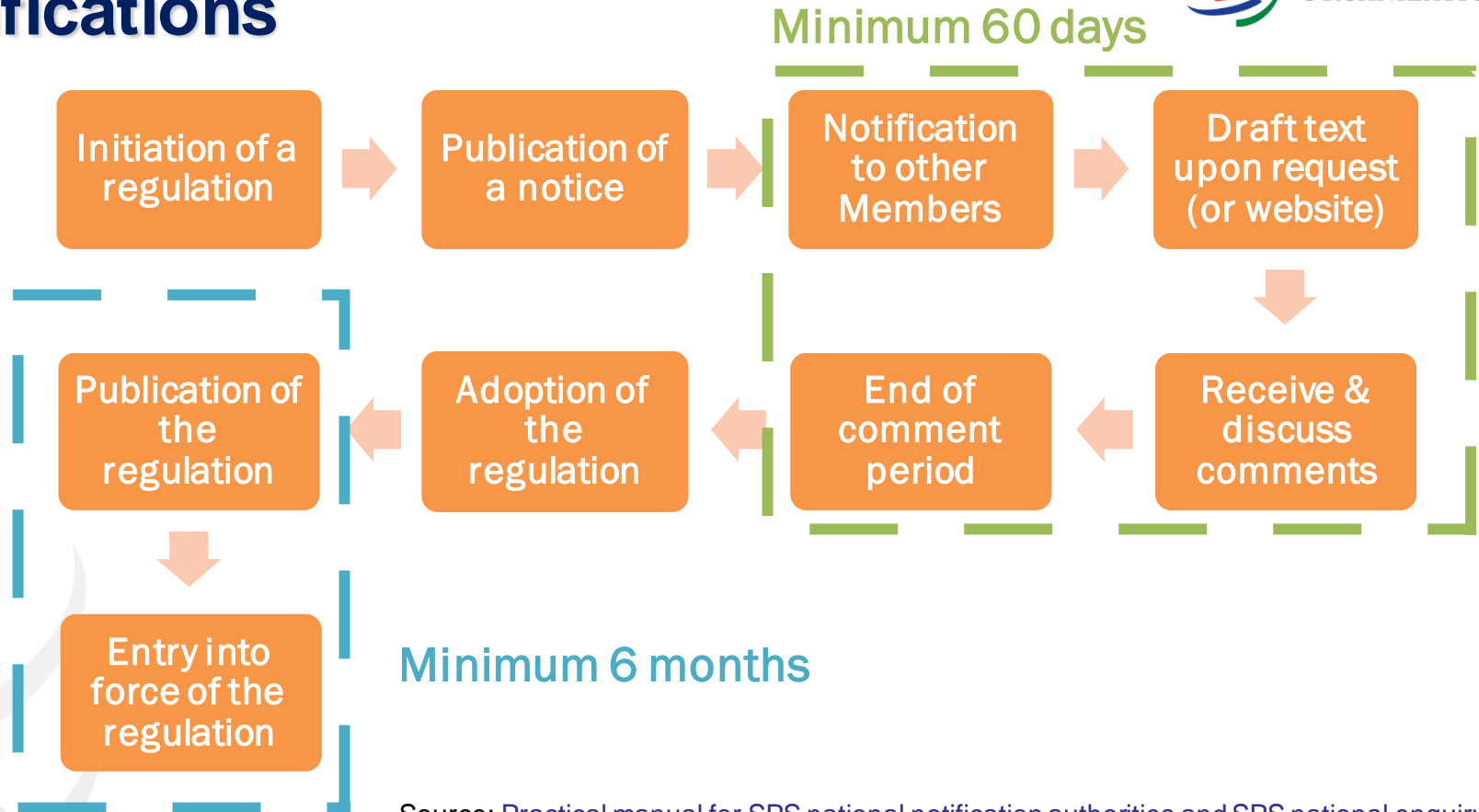
Publication of regulations – **When to publish?**

Annex B, Paras. 1 & 2

- Members to publish all adopted regulations promptly...
- ...Except in urgent circumstances, allow **reasonable interval** between publication and entry into force
 - Normally, the date of **entry into force** is **6 months** after date of publication
(Doha Ministerial Decision; G/SPS/7/Rev.4, Para. 4.3.)
 - If trade facilitating, do not delay
(WT/MIN(01)/17, para. 3.2)



Transparency timelines for SPS notifications



Transparency obligations

(Article 7 and Annex B)



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Transparency obligations – NNA and NEP



1. Designate one ***national notification authority (NNA)*** (Annex B(10))

Single central government authority responsible for the implementation of the notification procedures

- Submit notifications** (EN, FR, SP: Annex B(7))
- Provide upon request to other Members **copies** of the proposed regulation
- Handle **comments**

2. Designate at least one ***enquiry point (NEP)*** (Annex B(3))

Responsible for providing **answers** to all **reasonable questions** from interested Members, as well as for the provision of relevant documents

- One, or more than one
- Can be the same entity as the NNA

Where should notifications be sent?

Submission by NNA

- **Online** using the **ePing SPS&TBT Platform** - <https://eping.wto.org/>
- Alternatively, by email to (crn@wto.org)

The SPS NNA of each Member can request notification admin rights by sending an email to spscommittee@wto.org

Central Registry of Notifications (CRN)

Dissemination of the notification

Beyond obligations – NNA or NEP could:

Track/ filter/disseminate
SPS documents and
notifications to interested
parties

Alert other government
agencies, private sector,
other stakeholders of
important changes

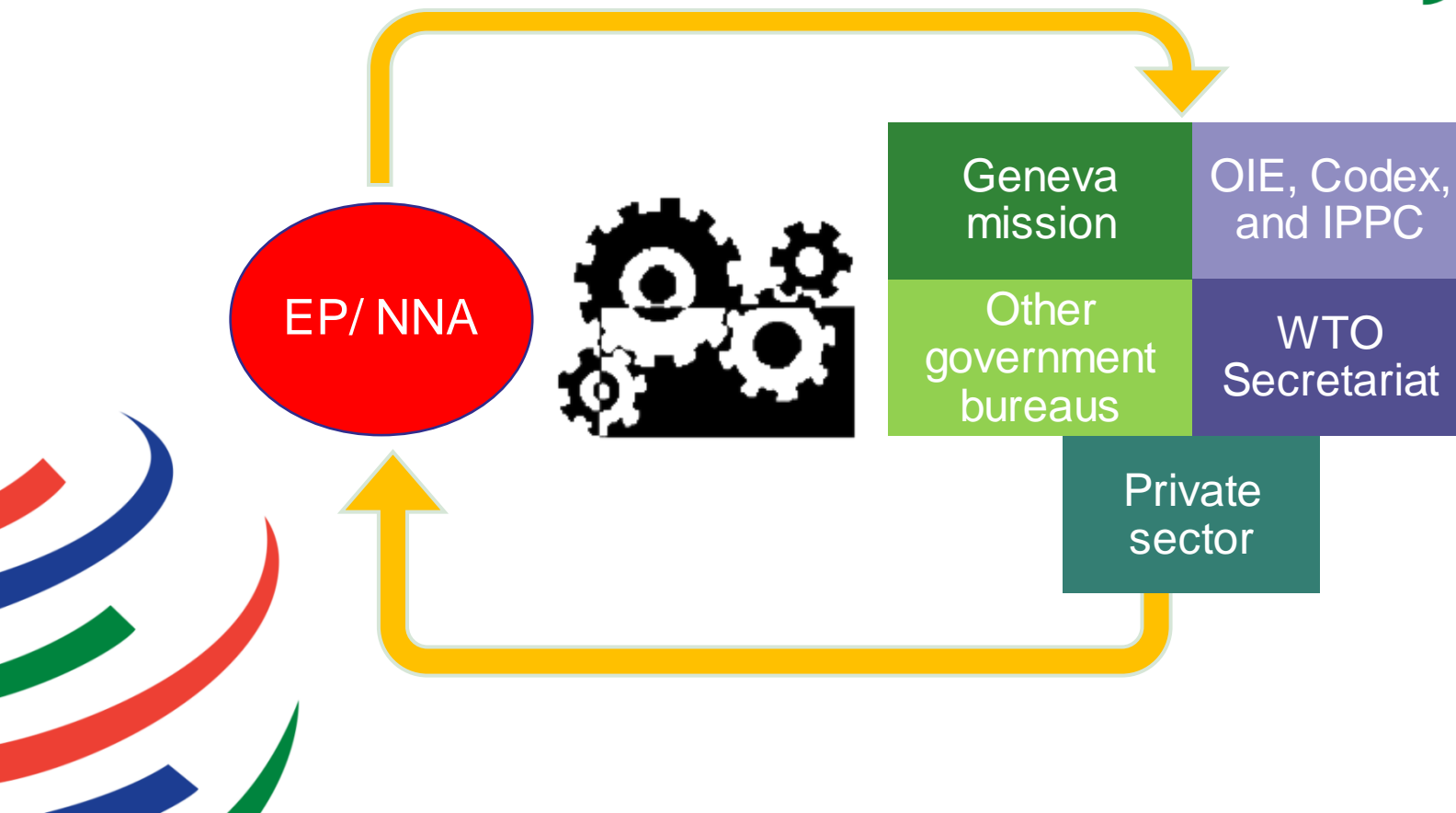
Coordinate/submit
comments on notifications
of concern to trading
partners; follow up

Lead/facilitate/participate
in national SPS
coordination body

Participate in SPS
Committee work
(information exchange,
specific trade concerns)

Raise awareness at the
national level; facilitate
capacity building; seek
assistance

Beyond obligations - EP or NNA could...



Reviews of the SPS Agreement Recommendations on Transparency

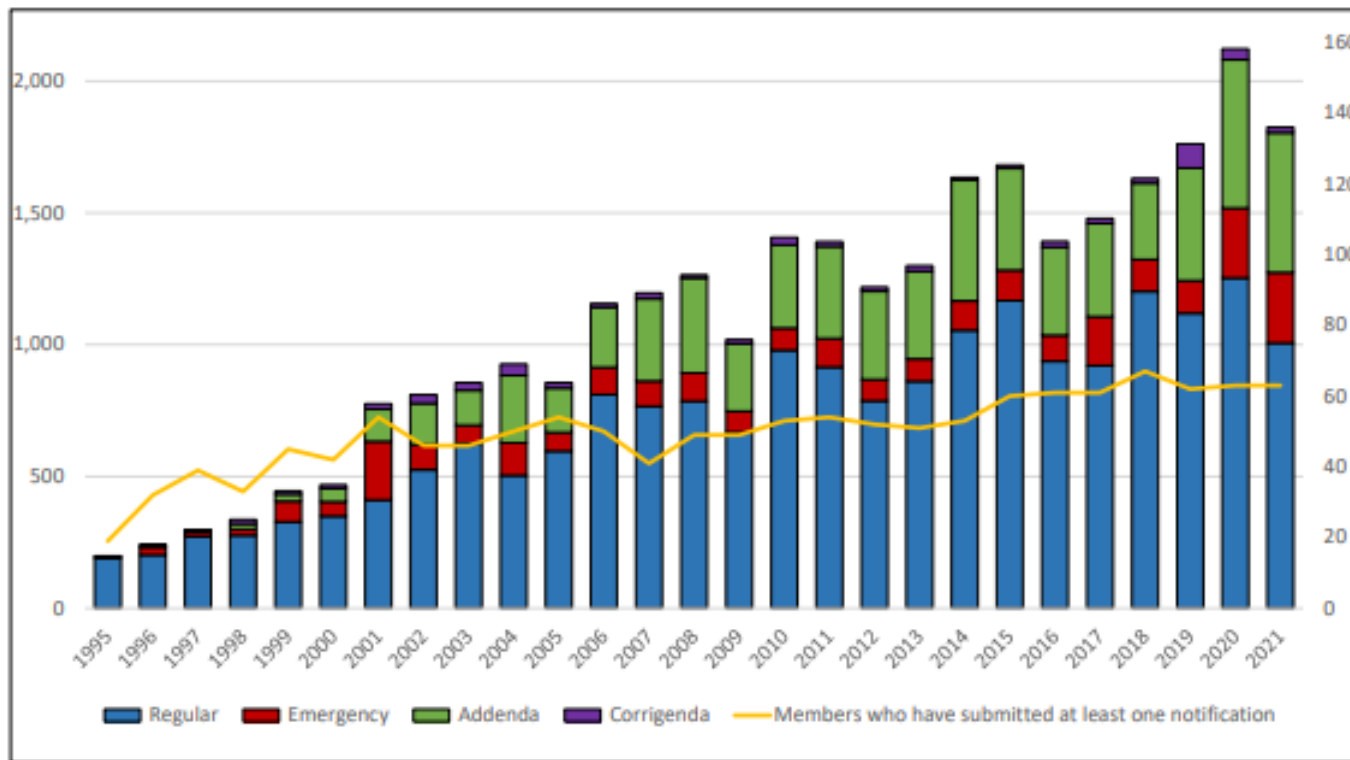
- Every 4 years
- Adopt recommendations on transparency
 - Ensure full implementation of transparency provisions
 - Follow Recommended Transparency Procedures

Reviews of the SPS Agreement Transparency and Coordination



- 5th Review (July 2020, G/SPS/64 and Addenda):
 - Workshop on transparency and coordination to address national coordination mechanisms
 - Members underscored the usefulness of ePing as a communication platform
 - 3 recommendations on transparency and coordination
 - Implement appropriate national coordination mechanisms to enable consultation and communication and strengthen internal coordination on SPS matters

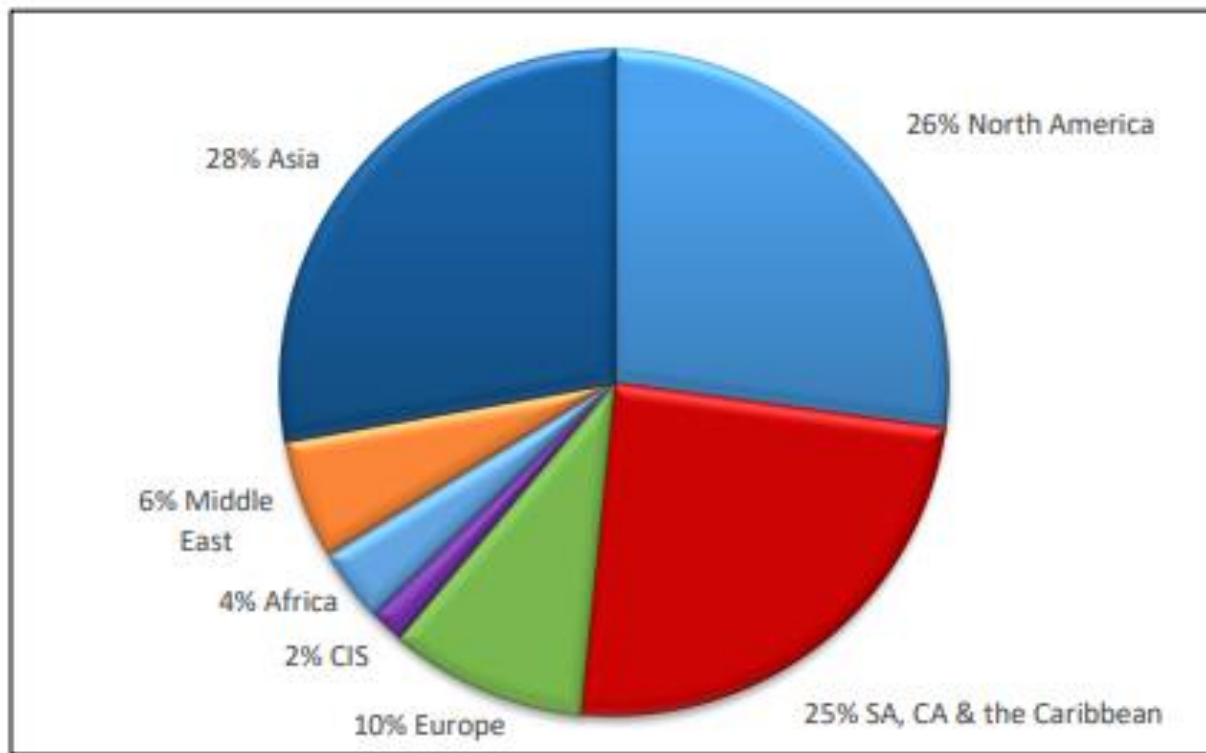
SPS notifications submitted 1995-2021



Source: G/SPS/GEN/804/Rev.14

SPS Notifications by geographical region

1995-2021



Source: G/SPS/GEN/804/Rev.14

For more information



Overview regarding the level of
implementation of the transparency
provisions of the SPS Agreement

G/SPS/GEN/804/Rev.14

(jointly circulated with G/SPS/GEN/204/Rev.22)

Thank you!

SPS Gateway

<http://www.wto.org/sps>

If you have any questions:

spscommittee@wto.org