

DISCLAIMER

The Handbook on Notification Requirements does not constitute a legal interpretation of the notification obligations under the respective Agreement(s) or relevant legal provision(s). It has been prepared by the Secretariat to assist Members in complying with their notification obligations.

TECHNICAL COOPERATION HANDBOOK ON NOTIFICATION REQUIREMENTS

AGREEMENT ON THE
APPLICATION OF SANITARY
AND PHYTOSANITARY
MEASURES

This section of the Handbook on Notification Requirements covers the notification obligations under the **AGREEMENT ON THE APPLICATION OF SANITARY AND PHYTOSANITARY MEASURES**. It consists of the following five parts:

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TEXT OF THE
AGREEMENT

For Members which acceded pursuant to Article XII of the Marrakesh Agreement, their respective Protocols of Accession may contain notification obligations in addition to those set out in the WTO Agreements, and may govern the deadlines for the submission of their initial notifications.

PART 1

OVERVIEW OF NOTIFICATION REQUIREMENTS

The Sanitary and Phytosanitary (SPS) Agreement applies to all SPS measures which may affect international trade. Sanitary and phytosanitary measures are defined in [Annex A](#) as any measure applied:

	TO PROTECT	FROM	
	Human or animal life	Risks arising from additives, contaminants, toxins or disease-causing organisms in their food	
	Human life	Plant- or animal-carried diseases (zoonoses)	
	Animal or plant life	Pests, diseases, or disease-causing organisms	
	A country	Damage caused by the entry, establishment or spread of pests	

WHAT MUST BE NOTIFIED?

Under the SPS Agreement, the foundation of transparency rests on notifications. Members shall notify proposed SPS regulations (such as laws, decrees or ordinances which are applicable generally), or changes to regulations, which are **not** the same as an international standard and have a **significant effect on trade**.¹ However, the SPS Committee encourages Members to notify draft regulations based on the relevant international standard as well.²

¹ Note that SPS measures in force before 1 January 1995 do not have to be notified (but subsequent changes to these measures do have to be notified). However, Members should be able to answer questions about such measures should they be requested to do so by other Members through their Enquiry Points.

² Transparency obligations are contained in [Article 7](#) and [Annex B](#) of the SPS Agreement. Annex B of the SPS Agreement requires that Members notify measures whose content is not substantially the same as that of an international standard, guideline or recommendation, and when the measure may have a significant effect on trade. However, the Recommended Procedures for Implementing the Transparency Provisions of the SPS Agreement, adopted by the SPS Committee in 2008, and updated in 2018 ([G/SPS/7/Rev.4](#)), recommend that Members also notify measures which are based on the relevant international standards, and provide a broad interpretation of effects on trade.

Transparency under the SPS Agreement also involves the publication of regulations, the establishment of a National Enquiry Point (NEP) able to answer reasonable questions from other Members, and the identification of a single central government authority, the National Notification Authority (NNA), to be responsible for the notification requirements of the SPS Agreement. The SPS Committee encourages Members to publish SPS regulations on the Internet where possible.

Regular notifications

Except in urgent circumstances, WTO Members have the obligation to notify other Members of proposed changes in SPS regulations if these regulations might have an effect on the trade of other Members. Members must notify such new or changed regulations at an early stage, allow other Members to comment on the proposed text, discuss such comments on request, and take the comments and discussions into account in finalizing the regulation. The SPS Committee encourages Members to make such notifications, when a draft with the complete text of a proposed regulation is available.

For proposed SPS measures which facilitate trade and those which are substantially the same as an international standard, guideline or recommendation, WTO Members may reduce or eliminate the period for receiving comments. While there is no WTO definition of "trade facilitating measures", the Committee's recommended procedures provide examples of trade facilitating measures, such as the raising of the level of maximum residue limits of certain pesticides in certain products, the lifting of a ban on imports, or the simplification or elimination of certain certification/approval procedures.³ It is important to note that what might be trade facilitating for one WTO Member might still be of concern to, and warrant comment from, other Members.

Emergency notifications

The routine consultation process can be restricted or eliminated in genuine emergencies, which the SPS Agreement ([Annex B, paragraph 6](#)) defines as cases "where urgent problems of health protection arise or threaten to arise" for the WTO Member implementing the measure.

³ See footnote 5 in [G/SPS/7/Rev.4](#).

PART 1

OVERVIEW OF NOTIFICATION REQUIREMENTS

Addenda, revisions, and corrigenda

In addition to their original notifications, Members 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 if the comment period has been extended or when a proposed regulation is either adopted, published or comes into force, if the relevant dates were not provided in the original notification or did change;
- A corrigendum is used to correct an error in an original notification such as an incorrect address detail; or
- A revision is used to replace an existing notification.

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

Information on the completion of the above notification formats, as well as other recommended notification formats can be found in the [Practical Manual for SPS National Notification Authorities and SPS National Enquiry Points – 2018 Edition](#) and in the Recommended Procedures for Implementing the Transparency Obligations of the SPS Agreement, [G/SPS/7/Rev.4](#).

WHICH MEMBERS MUST NOTIFY?

Under the SPS Agreement, each WTO Member has obligations relating to "transparency".

WHEN TO NOTIFY?

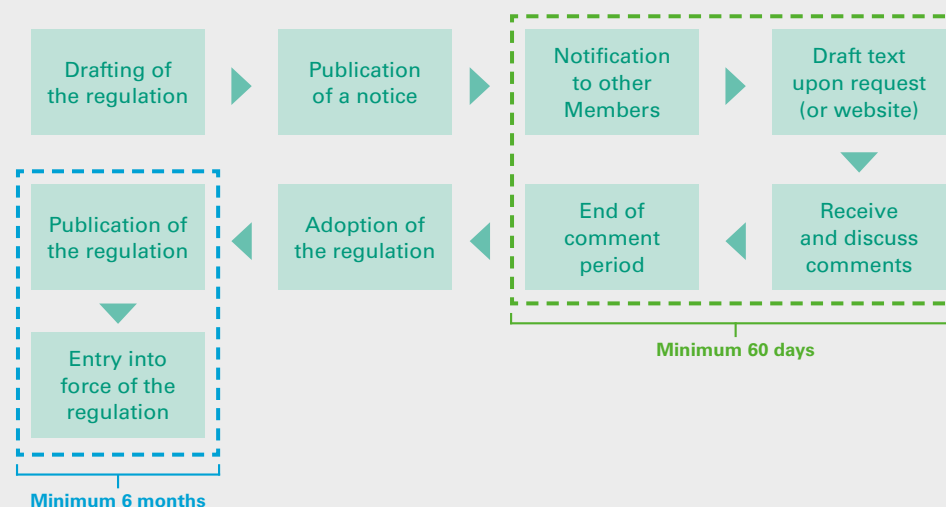
Regular notifications

The WTO SPS notification procedures require that measures be notified "well before the entry into force of the relevant measure". The procedures recommend that a normal time period of at least 60 days for comments on notifications be allowed before a measure is finalized for adoption. Any Member which is able to provide a time limit beyond 60 days is encouraged to do so.

Emergency notifications

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.

Timeline for SPS notifications (60-day notification)



PART 1

OVERVIEW OF NOTIFICATION REQUIREMENTS

HOW TO NOTIFY?⁴

Regular notifications formats can be found [here](#).

Emergency notifications formats can be found [here](#).

All other notification formats can be downloaded from the [SPS Members' transparency toolkit webpage](#).

The [SPS Notification Submission System \(SPS NSS\)](#) is an online platform where WTO Members can directly complete and submit notifications. Submission through the SPS NSS allows for notifications to be processed more accurately and efficiently by both Members and the WTO Secretariat, making notifications accessible to Members more quickly.

The WTO Secretariat has developed a [Practical Manual for SPS National Notification Authorities and SPS National Enquiry Points – 2018 Edition](#). The manual is meant as a practical guide for Members to facilitate the implementation of the transparency provisions of the SPS Agreement. In particular, it focuses on navigating the SPS NSS interface to complete and submit SPS notifications. It is complementary to the guidance contained in this manual related to notifications.

Any questions regarding the SPS NSS can be sent to the WTO Secretariat at spscommittee@wto.org.

ePing – the SPS and TBT Notification Alert System



Given the high volume of notifications circulated, it can be a challenge for Members and other interested parties to track and react to incoming notifications in a timely manner. To address this issue, the WTO Secretariat joined forces with the United Nations Department of Economic and Social Affairs (UNDESA)

and the International Trade Centre (ITC) and launched [ePing](#), the publicly available SPS/TBT notification alert system, in November 2016. By registering on ePing, users can receive daily or weekly email alerts containing SPS/TBT notifications covering products/markets of interest to them. To receive alerts and access all functionalities, users can register [here](#).

In addition, interested SPS and TBT enquiry points/notification authorities can request administrator rights to access the enhanced features of the Enquiry Point Management tool by sending an email to spstbtalerts@wto.org.

Further details are provided in the [Practical Manual for SPS National Notification Authorities and SPS National Enquiry Points – 2018 Edition](#).

⁴ All notifications, regardless of their subject content or the requirement under which they are being submitted, must be directed to the administrator of the Central Registry of Notifications (CRN), as indicated in document [WT/INF/25/Rev.2](#). SPS notifications may be submitted through online submission systems or as electronic attachments to emails. As it may be practice, a copy of the notification may be sent to the Secretariat unit substantially handling the notification.

PART 2

LISTING OF THE NOTIFICATION OBLIGATIONS

	WHAT MUST BE NOTIFIED?		WHICH MEMBERS MUST NOTIFY?	WHEN TO NOTIFY?		HOW TO NOTIFY?		
	Notification requirements	Type of measure	Members notifying	Periodicity	Comments on Periodicity	Format	To whom ⁵	Notification Symbol
1.	Publication of Sanitary and Phytosanitary regulations Annex B, paragraphs 1 and 2 .	Sanitary/ Phytosanitary regulations.	All WTO Members	Ad hoc	Promptly.	National publication requirements	–	No specific symbol
2.	Notification of draft Sanitary and Phytosanitary regulations Article 7 and Annex B, paragraph 5 .	Sanitary/ Phytosanitary regular draft SPS regulation (whenever an international standard, guideline or recommendation does not exist, or the content of a proposed SPS regulation is different from international standards, and if the regulation may have a significant effect on trade of other Members).	All WTO Members	Ad hoc	At an early stage, well before the entry into force of the relevant measure, when amendments can still be introduced, and comments be taken into account.	Yes (SPS Regular Notification template)	WTO Secretariat	G/SPS/N/*

⁵ All notifications, regardless of their subject content or the requirement under which they are being submitted, must be directed to the administrator of the Central Registry of Notifications (CRN), as indicated in document [WT/INF/25/Rev.2](#). SPS notifications may be submitted through online submission systems or as electronic attachments to emails. As it may be practice, a copy of the notification may be sent to the Secretariat unit substantially handling the notification.

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LISTING OF THE NOTIFICATION OBLIGATIONS

	WHAT MUST BE NOTIFIED?		WHICH MEMBERS MUST NOTIFY?	WHEN TO NOTIFY?		HOW TO NOTIFY?		
	Notification requirements	Type of measure	Members notifying	Periodicity	Comments on Periodicity	Format	To whom ⁵	Notification Symbol
3.	Notification of emergency Sanitary and Phytosanitary regulations Article 7 and Annex B, paragraph 6 .	Emergency actions sanitary/ phytosanitary regulations.	All WTO Members	Ad hoc	Immediately.	Yes (SPS Emergency Notification template)	WTO Secretariat	G/SPS/N/*
4.	Notification of National Enquiry Point, Annex B, paragraph 3.	When a Member's National Enquiry Point has been designated, or changed, the WTO Secretariat should be informed of the contact details. Each Member shall ensure that one National Enquiry Point exist, which is responsible for the provision of answers to all reasonable questions as well as the provision of relevant documents.	All WTO Members	One time	As appropriate, (subject to up-dates).	No (No specific format -could be done via e-mail to spscommittee@wto.org)	WTO Secretariat	No specific symbol

⁵ All notifications, regardless of their subject content or the requirement under which they are being submitted, must be directed to the administrator of the Central Registry of Notifications (CRN), as indicated in document [WT/INF/25/Rev.2](#). SPS notifications may be submitted through online submission systems or as electronic attachments to emails. As it may be practice, a copy of the notification may be sent to the Secretariat unit substantially handling the notification.

PART 2

LISTING OF THE NOTIFICATION OBLIGATIONS

	WHAT MUST BE NOTIFIED?		WHICH MEMBERS MUST NOTIFY?	WHEN TO NOTIFY?		HOW TO NOTIFY?		
	Notification requirements	Type of measure	Members notifying	Periodicity	Comments on Periodicity	Format	To whom ⁵	Notification Symbol
5.	Notification of National Notification Authority, Annex B, paragraph 10.	When a Member's National Notification Authority has been designated, or changed, the WTO Secretariat should be informed of the contact details. Each Member shall designate a single central government authority as responsible for the national implementation of the provisions concerning notification procedures.	All WTO Members	One time	As appropriate, (subject to updates).	No (No specific format -could be done via e-mail to spscommittee@wto.org)	WTO Secretariat	No specific symbol

⁵ All notifications, regardless of their subject content or the requirement under which they are being submitted, must be directed to the administrator of the Central Registry of Notifications (CRN), as indicated in document [WT/INF/25/Rev.2](#). SPS notifications may be submitted through online submission systems or as electronic attachments to emails. As it may be practice, a copy of the notification may be sent to the Secretariat unit substantially handling the notification.

PART 2

LISTING OF THE NOTIFICATION OBLIGATIONS

ADDENDUM: LISTING OF NOTIFICATION RECOMMENDATIONS⁶

	RECOMMENDED NOTIFICATIONS	OBJECTIVE	PERIODICITY	FORMAT	GUIDANCE	NOTIFICATION SYMBOL
	Notification of determination of equivalence of SPS measures G/SPS/19/Rev.2 .	Recommendation to notify other Members, through the WTO Secretariat, of the measure(s) recognized to be equivalent and of the products affected by the recognition, in case a Member has made a determination recognizing the equivalence of sanitary or phytosanitary measures of another Member.	Ad-hoc	Determination of the Recognition of Equivalence notification template .	G/SPS/7/Rev.4 G/SPS/19/Rev.2	G/SPS/N/EQV/*
	Information on requests for determination on the recognition of pest- or disease-free areas or areas of low pest or disease prevalence G/SPS/48 .	Recommendation to inform the SPS Committee when (a) a request for recognition of pest- or disease-free area or area of low pest or disease prevalence is made, and/or when (b) a determination on whether to recognize a pest- or disease-free area or area of low pest or disease prevalence is made.	Ad-hoc	No specific format - could be done at the appropriate agenda item at SPS Committee meetings.	G/SPS/48	No specific symbol
	Information on provision of special and differential treatment G/SPS/33/Rev.1 .	Recommendation to inform the SPS Committee when an importing Member decides on whether and how special and differential treatment may be provided in response to a specific request. Should be done as addendum to the original notification concerning the measure, indicating (a) the names of the Members that requested special and differential treatment; (b) if special and differential treatment was provided and the form of such treatment; and (c) if not provided, indicate why not.	Ad-hoc	Addendum to the original notification concerning the measure Addendum to Regular Notification.	G/SPS/33/Rev.1 G/SPS/7/Rev.4	G/SPS/N/*
	Submission of unofficial translations of a document relating to a notification G/SPS/7/Rev.4 .	Recommendation to inform the notifying Member of the existence of an unofficial translation of a document relating to a notification and to submit to the WTO Secretariat a supplement to the original notification submitted by a Member in case another Member possesses an unofficial translation.	Ad-hoc	Availability of Translations notification supplement template .	G/SPS/7/Rev.4	G/SPS/N/*

⁶ These recommended notifications are adopted recommendations by the SPS Committee and are without prejudice to the position of Members or to their rights and obligations under the WTO.

PART 3

RELEVANT DOCUMENT(S) CONCERNING GUIDELINES AND FORMATS

TRANSPARENCY RESOURCES

Committee on Sanitary and Phytosanitary Measures -Recommended Procedures for Implementing the Transparency Obligations of the SPS Agreement, [G/SPS/7/Rev.4](#).

[Practical Manual for SPS National Notification Authorities and SPS National Enquiry Points – 2018 Edition](#).

[SPS Members' transparency toolkit](#): This webpage accessible from the SPS Gateway contains information on notification obligations, formats to be used, the decisions and recommendations adopted by the SPS Committee since 1 January 1995, handbooks, step-by-step manuals, links to Members' SPS websites and other aids for Members' transparency work in SPS.

[SPS Information Management System \(SPS IMS\)](#): The SPS IMS is a specialized and detailed information source on SPS notifications, Specific Trade Concerns (STCs), Member's National Notification Authorities and Enquiry Points contact information, and other SPS documents.

[SPS Notification Submission System \(SPS NSS\)](#): The SPS NSS is a password protected online platform, where Members can directly complete and submit notifications. For further details and to request access credentials, send an email to spscommittee@wto.org.

PART 4

LIST OF NOTIFICATIONS SINCE 1995

LIST OF NOTIFICATIONS UNDER ARTICLE 7 AND ANNEX B OF THE SPS AGREEMENT

All SPS notifications can be found in the [SPS Information Management System \(SPS IMS\)](#).

PART 5

TEXT OF THE AGREEMENT

Agreement on the Application of Sanitary and Phytosanitary Measures [LT/UR/A-1A/12](#).