SPS Transparency Workshop
12-13 October 2015
Session 1:
Overview of the transparency provisions
Key Provisions: SPS Agreement

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

- Enhance clarity, predictability
  - facilitate trade & reduce trade disruptions

- Regulatory requirements
  - changes may affect market access

- Advance warnings
  - more time to adapt

- Improve accountability & responsiveness of regulatory system
  - seek info, consult, comment
Transparency Elements

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

- **Beyond obligations**
  - Taking advantage of notifications
Transparency: Reference Documents

- **SPS Agreement**: Article 7 & Annex B
- **SPS Committee Decision**: G/SPS/7/Rev.3
  
  « Major Decisions and Documents »
- **Procedural step-by-step manual (for NNA)**
1. Notification of draft SPS regulations: What to notify?

- New or modified regulation
- No existing international standard or
- Different than the international standard
- Significant impact on trade (restricting or facilitating)

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

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

- **Emergency measures**

  IMMEDIATELY!!

60-day comment period.
1. Notification of draft SPS regulations: Which Formats?

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

*Read in conjunction with original notification.
1. Notification of draft SPS regulations: How to access translations of regulations?

- Upon request, **developed** countries to provide regulation or its summary in **English, French, or Spanish**
- Members encouraged to share unofficial translations with each other – **supplement** format
1. Notification of draft SPS regulations: Where to find the notification formats?

- G/SPS/7/Rev.3 – SPS Committee Guidelines on Transparency

- WTO website - SPS Gateway: [www.wto.org/sps](http://www.wto.org/sps)

- SPS Information Management System (SPS IMS) [http://spsims.wto.org](http://spsims.wto.org)

- SPS Notification Submission System (SPS NSS) [https://nss.wto.org](https://nss.wto.org)
1. Notification of draft SPS regulations: How to share text of draft SPS regulations?

Full texts of draft regulations

- Submit in PDF format to WTO
- Provide specific website address in notification
1. Notification of draft SPS regulations: Recommended Procedures

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

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

- **Recognition of equivalence:** measure recognized, products covered (G/SPS/7/Rev.3 – specific format, G/SPS/19/Rev.2 – implementation of Article 4)

- **Special and differential treatment:** difficulties with notified measure (G/SPS/33/Rev.1 – specific format)

- **Regionalization:** request and/or determination (G/SPS/48 – no specific format)
2. Designation of NNA - Who notifies?

**National Notification Authority**

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

- Only **one** NNA
2. Designation of NNA – Tasks?

- Notifies other Members through WTO at an early stage (or immediately for emergency measures) to allow for comments/amendments
- Provides copies of proposed regulations upon request
- Ensures that comments are handled correctly
2. Designation of NNA – To whom should notifications be sent?

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

Central Registry of Notifications (CRN)

Circulation of the notification
3. Establishment of Enquiry Point

- Provides answers to all **reasonable questions** from interested Members and relevant documentation

  - Can be same as NNA
  - Can have more than one but clearly define responsibilities
3. Establishment of Enquiry Point – All reasonable questions?

Regarding...

- SPS regulations, draft or adopted
- Inspection procedures, etc.
- Risk assessment

- Reply within 5 working days... or
- Provide an estimate of time for the reply
EP vs. NA

Which statement is true?

1. The submission of notifications, provision of answers to all reasonable questions and the provision of relevant documents is the responsibility of the enquiry point.

2. The implementation of the provisions concerning notification procedures falls under the responsibility of a single central government authority (the National Notification Authority).
Beyond Obligations -
EP or NNA could:

• Collect/disseminate SPS documents and notifications

• Alert relevant government agencies, private sector of SPS notifications that could affect exports

• Coordinate comments on other countries’ notifications

• Follow-up on comments submitted
Enquiry Point

Other government bureaus
Private sector
Geneva mission
OIE, Codex, and IPPC
WTO Secretariat
4. Publication of SPS regulations

- Members to publish all adopted regulations promptly

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

1. Drafting of the regulation
2. Publication of a notice
3. Notification to other Members
4. Draft text upon request (or website)
5. Receive & discuss comments
6. End of comment period
7. Adoption of the regulation
8. Publication of the regulation
9. Entry into force of the regulation

Min. 6 months

Min. 60 days

Time...