“Incoming Notifications: the Brazilian experience”

Workshop on Transparency and Coordination
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Transparency

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

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

MAPA SPS EP

Technical services

Private sector
Incoming notifications workflow

1. Establishment of a period to receive comments
2. Analysis of received comments
3. Proposition of following actions

Send comments
Comply/Alternative measures
It is not always clear whether a new regulation is under the SPS or TBT scopes;

What is the matter if a notification is notified to one Committee when it should be notified to another?

**Lengthier bureaucratic steps**

- Time to communicate to interested stakeholders is lost;
- In Brazil, SPS and TBT clusters are different;
- Time wasted to start procedures for producing and sending comments;
- Time wasted to start internal adaptation procedures or to study alternatives to comply with the new measure.
Even when, at first sight, a technical regulation or conformity assessment procedure seems to be an administrative procedure, it could later be considered as a measure under one of the objectives foreseen in the **SPS Agreement**.

- G/SPS/W/32 - (1995) – Graphs on the coverage of the SPS and TBT Agreements
• G/SPS/W/17 – Recommended procedures for implementing the transparency obligations

• Practical Manual for SPS NNA and SPS NEP
  - provide guidance

When a regulation contains both SPS and TBT measures, it should be notified according to both the SPS and TBT Agreements.
How could WTO help Members to follow this recommendation?
Thank you!

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