ANNEX B

SPS or TBT? Which Agreement does a measure* come under?

Does the measure relate to trade in goods?

YES

NO

NEITHER SPS OR TBT

Does the measure apply to either 1, 2, 3 or 4 below?

1

2

3

4

Protect animal or plant life or health

Protect human or animal life or health

Protect human life or health

Prevent or limit other damage

Within the territory of the Member

Within the territory of the Member

Within the territory of the Member

From the entry, establishment or spread of

Pests, Diseases, Disease-carrying organisms or Disease-causing organisms

Additives, Contaminants, Toxins or Disease-causing organisms in foods, beverages or feedstuffs

Diseases carried by animals, plants or products thereof or Entry, establishment or spread of pests

NO

YES

Note that the TBT Agreement may also apply in some circumstances, such as labelling for consumer information.

Is it a technical regulation, standard or conformity assessment procedure related to products or processes and production methods?

YES

The TBT Agreement applies

NO

OTHER

* SPS Measure: Go to http://www.wto.org/english/tratop_e/sps_e/spsagr_e.htm - Annexa for a definition or Endnote xxxi

TBT Measures: Go to http://www.wto.org/english/tratop_e/tbt_e/tbtagr_e.htm - Annex 1 for a definition or Endnote xxxii
ANNEX C

Is a Notification Necessary?

1. Does an international standard, guideline or recommendation exist? OR
   Will the resulting measure be substantially the same as the content of an international standard, guideline or recommendation?

   NO

   2. Will the proposed measure have a significant effect on trade?

   YES

   3. Not mandatory to notify but consider the interests of transparency

   NO

   NOTIFIED

   YES

These requirements are detailed in Articles 2.9 and 5.6 of the TBT Agreement, and Paragraph 5 of Annex B of the SPS Agreement.

Step 1: Check international standards, guidelines and recommendations
The first thing to consider is whether:
either
an (equivalent) international standard, guideline or recommendation exists or
the content of the proposed measure is substantially the same as the content of an international standard, guideline or recommendation.

Step 2: Consider the effect on trade
If the answer to Step 1 is NO, and the regulation may have a significant effect on the trade of other WTO Members, then the proposed measure must be notified. If not sure whether it will have a significant effect on trade, it is recommended that you notify the measure in the interests of increased transparency.

Step 3: Consider the benefits of transparency
The underlying philosophy of the TBT and SPS Agreements is transparency of process. For the sake of improved transparency, some Members also notify measures, which conform to international standards, guidelines or recommendations. This has the effect of informing Members of measures that might affect their trade interests and providing them with the opportunity to comment.

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38 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 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. - G/SPS/7/Rev.1.