



PRACTICAL MANUAL FOR SPS NATIONAL NOTIFICATION AUTHORITIES AND SPS NATIONAL ENQUIRY POINTS

2018 EDITION



ACKNOWLEDGEMENTS

The original version of the manual was written by Ms Sally Jennings, Ministry for Primary Industries, New Zealand, with contributions by the WTO Secretariat.

This updated version of the manual was prepared by the WTO Secretariat with inputs from Sally Jennings and other Members.

DISCLAIMER

This manual has been prepared under the Secretariat's own responsibility and is without prejudice to the positions of Members or to their rights and obligations under the WTO.

TABLE OF CONTENT

ACKNOWLEDGEMENTS	1
DISCLAIMER	1
1 TRANSPARENCY IN THE WORLD TRADE ORGANIZATION	5
1.1 Introduction	5
1.2 Transparency in the SPS Agreement	6
2 RESOURCES	8
2.1 Establishing an SPS National Notification Authority and Enquiry Point	8
2.2 The SPS National Notification Authority (NNA)	8
2.2.1 Responsibilities	8
2.2.2 Choice of agency	8
2.3 The SPS National Enquiry Point (NEP)	9
2.3.1 Responsibilities	9
2.3.2 Choice of agency	9
2.4 Informing the WTO Secretariat	10
2.5 Personnel	10
2.6 Computer and communication hardware	11
2.7 Operational manual	11
2.8 E-mail management	11
3 MANAGING NOTIFICATIONS MADE BY OTHER MEMBERS	12
3.1 Access through the SPS Information Management System (SPS IMS)	12
3.1.1 Search notifications	12
3.1.2 Generating a custom report of notifications	14
3.1.3 Generating summary lists of notifications	16
3.2 Access through the ePing SPS & TBT Notification Alert System	16
3.2.1 Registering for ePing	17
3.3 Access through WTO Documents Online	20
3.3.1 Subscribing to e-Subscriptions	20
3.4 Access through web services	20
4 INITIATING A REQUEST FOR FURTHER INFORMATION ON NOTIFICATIONS	21
5 NOTIFYING SPS REGULATIONS	22
5.1 SPS regulations	22
5.2 International standard, guideline or recommendation	23
5.3 Significant effect on trade	23
6 WHEN SHOULD A NOTIFICATION BE MADE?	24
6.1 Regular notifications	24
6.2 Emergency notifications	24

7 WRITING AN SPS NOTIFICATION	25
7.1 Regular notifications	25
7.1.1 Items 1-3	25
7.1.1.1 Example	26
7.1.2 Items 4-7	26
7.1.2.1 Example	29
7.1.3 Item 8	29
7.1.3.1 Example	30
7.1.4 Item 9	30
7.1.4.1 Example	30
7.1.5 Items 10-13	31
7.1.5.1 Example	32
7.2 Emergency notifications	32
7.2.1 Example	33
7.3 Addenda, corrigenda and revisions	33
7.4 Unofficial translation supplements notifications	34
7.5 Recognition of equivalence notifications	34
7.6 Special & Differential Treatment notifications according to G/SPS/33/Rev.1, as addenda to regular or emergency notifications	34
7.7 Submitting notifications	34
7.8 Publish on website	34
8 THE SPS NOTIFICATION SUBMISSION SYSTEM (SPS NSS)	35
8.1 Introduction to the SPS NSS	35
8.2 Accessing the SPS NSS	35
8.2.1 SPS NSS Dashboard	35
8.3 Submitting notifications through the SPS NSS	37
9 HANDLING COMMENTS AND REQUESTS FOR INFORMATION ON NOTIFIED DOCUMENTS	38
9.1 Handling comments from WTO Members	38
9.2 Handling requests for information from WTO Members	38
9.3 Receipt of requests	39
9.4 Acknowledging, recording and filing	39
ANNEX 1 – USEFUL LINKS	43
ANNEX 2 – RECOMMENDED PROCEDURES FOR IMPLEMENTING THE TRANSPARENCY OBLIGATIONS OF THE SPS AGREEMENT (ARTICLE 7) – G/SPS/7/REV.4	45
ANNEX 3 – PROCEDURE TO ENHANCE TRANSPARENCY OF SPECIAL AND DIFFERENTIAL TREATMENT IN FAVOUR OF DEVELOPING COUNTRY MEMBERS – G/SPS/33/REV.1	79

1 TRANSPARENCY IN THE WORLD TRADE ORGANIZATION

1.1 Introduction

Under the World Trade Organization (WTO) Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement), each WTO Member has obligations relating to “transparency”.

Transparency is one of the fundamental principles of the WTO, reflected in many of its agreements. It refers to the aim of achieving a greater degree of clarity, predictability and information exchange about trade policies, rules and regulations of Members.

Multiple mechanisms exist in implementing this concept, such as Trade Policy Reviews or regular global trade monitoring reports produced by the WTO Secretariat. Under the SPS Agreement, the foundation of transparency rests on notifications. 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. 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. These main areas of transparency obligations, shown in Figure 1 below, will be further detailed in this manual.

Figure 1: Transparency obligations under the SPS Agreement

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).

This manual is meant as a practical guide for governments to facilitate the implementation of the transparency provisions of the SPS Agreement. It provides advice and guidance for NNAs and NEPs. While it may be especially useful for developing and least-developed countries (LDCs), it may also be a helpful reference for countries¹ that are acceding to the WTO and establishing NNAs and NEPs, as well as WTO Members in general.

1.2 Transparency in the SPS Agreement

One of the principal innovations of the WTO SPS Agreement is a requirement for prior notification of proposed SPS measures as stated in Article 7 and Annex B of the Agreement. The SPS Committee, which oversees the implementation of the SPS Agreement, has adopted recommended procedures for implementing the transparency obligations of the SPS Agreement. These recommended procedures have undergone several revisions in light of Members' experience and proposals. The latest version of the recommended procedures² can be found in Annex 2 of this manual.

One of the purposes of the notification system is to undertake consultation at an international level by allowing other WTO Members to comment on proposed measures. Any WTO Member proposing to introduce new SPS measures is, in most circumstances, required to:

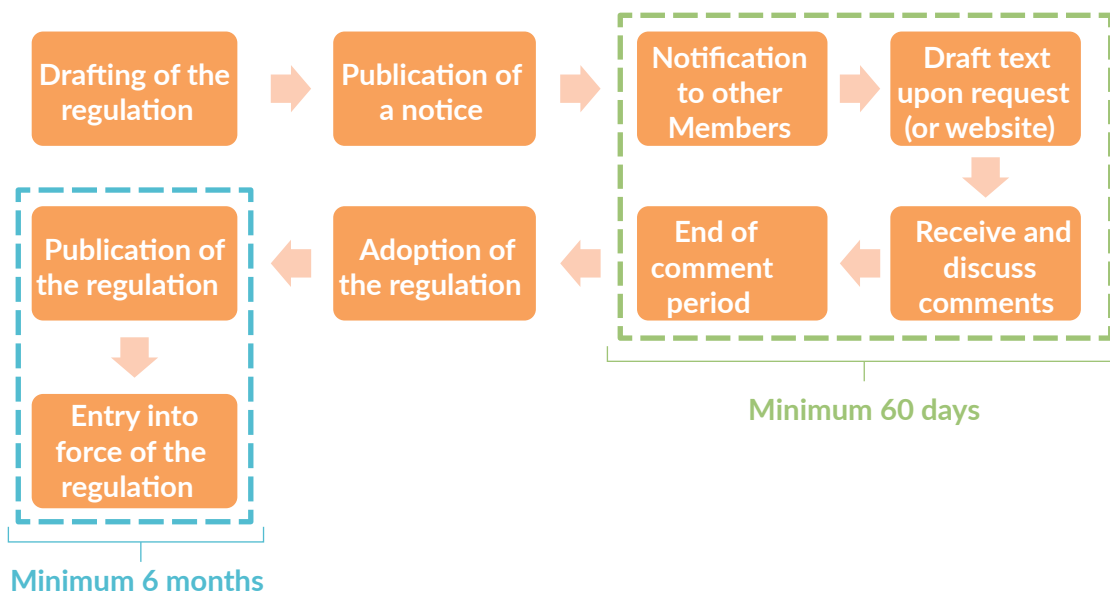
- notify other WTO Members of their intention;
- provide copies of the draft measure on request;
- allow reasonable time for other WTO Members to submit comments in writing;
- discuss these comments on request;
- take the comments and the results of the discussions into account;
- explain to the submitting Member how it plans to take their comments into account;
- where appropriate, provide additional relevant information on the proposed SPS measures concerned;
- provide the submitting Member with a copy of the corresponding SPS measures as adopted, or information that no corresponding SPS measures will be adopted for the time being.

The SPS notification system also facilitates trade by providing advance notice before new measures must be complied with and thus provides a “no surprises” approach.

¹ The terms “country” or “countries” as used in this manual are to be understood to include any separate customs territory Member of the WTO.

² Recommended Procedures for Implementing the Transparency Obligations of the SPS Agreement (G/SPS/7/Rev.4).

Figure 2: Timeline for SPS notifications



Whenever an SPS measure is raised in the SPS Committee, one of the first questions usually asked to the Member imposing the measure is whether it was notified to the WTO. It is important that Members comply with the SPS transparency obligations. Feedback from trading partners can help improve the quality of the proposed measure and avoid unnecessary trade disruptions.

As the functions of a Member's NNA and NEP are interlinked in many aspects, some Members have found it an advantage to have the same body operating both functions. The principal benefit of such an arrangement is to minimize the impact on financial and physical resources and to build up trade policy expertise in this area in a dedicated unit. In addition, it eliminates the need for coordination between NNA and NEP. Alternatively, NNA and NEP can be separate bodies. Although the SPS Agreement requires Members to have one NEP, some Members have found it more functional to establish more than one NEP, for example to cover the areas of food safety, animal health and plant health.

The obligations for NNAs and NEPs are specifically outlined in the following chapter. For the purposes of this operational manual and unless otherwise specified, the term "NNA/NEP" is used to describe the designated individual or team who undertakes or facilitates the roles and responsibilities of the NNA and/or the NEP(s).

This manual mainly contains processes which are recommended when you have a reliable internet connection. Please contact the WTO Secretariat for any specific issues you may encounter in relation to using this manual.

2 RESOURCES

2.1 Establishing an SPS National Notification Authority and Enquiry Point

The following part of the manual explains how to establish an SPS National Notification Authority and National Enquiry Point and the resources needed. It also describes the differences between the roles of the two offices as described in Article 7 and Annex B of the SPS Agreement.

2.2 The SPS National Notification Authority (NNA)

2.2.1 Responsibilities

Under the SPS Agreement, Members are required to designate a single central government authority as responsible for implementing, on a national level, the notification requirements of the SPS Agreement. This is the SPS NNA.

The NNA is responsible for:

- ensuring proposed regulations are published early, to allow for comments;
- notifying other Members, through the Secretariat, of proposed SPS regulations, using the appropriate notification forms;
- providing copies of proposed regulations on request; and
- ensuring that comments are handled correctly.

2.2.2 Choice of agency

The task of establishing an NNA should not be difficult. Most Members already have existing government departments or agencies responsible for handling the areas covered in the SPS Agreement (food safety, animal and plant health), or for disseminating government information. One of these agencies can be designated by the government to fulfill its notification obligations. The NNA must be part of the central government, so this function cannot be carried out at the sub-national level (by a state, provincial or regional agency).

Most Members find it most convenient for the NNA to be operated by the government department that is most concerned with the responsibilities covered by the SPS Agreement. Even if these functions are the responsibility of more than one government agency, there should be only one NNA.

The NNA should have access to or have relationships with the technical experts in the sanitary and phytosanitary areas who will be writing regulations. But it does not need to have such experts in its own staff. The primary role of the NNA is to oversee the notification process, which includes coordinating a response to any comments received.

2.3 The SPS National Enquiry Point (NEP)

2.3.1 Responsibilities

The NEP is responsible for answering all reasonable questions and providing relevant documents regarding:

- any sanitary or phytosanitary regulations adopted or proposed within the country;
- any control and inspection procedures, production and quarantine treatment, pesticide tolerance and food additive approval procedures, which are operated within the country;
- risk assessment procedures, factors taken into consideration, as well as the determination of the appropriate level of sanitary or phytosanitary protection;
- the membership and participation of the country, or of relevant bodies within its territory, in international and regional sanitary and phytosanitary organizations and systems;
- the membership and participation of the country in bilateral and multilateral agreements and arrangements within the scope of the SPS Agreement; and
- the texts of any such agreements and arrangements.

The NEP should also provide, upon request, information on participation in any bilateral or multilateral equivalence agreements and arrangements.

While the NNA may handle questions on notified draft measures, the NEP is responsible for answering questions on all existing SPS measures (even those that existed before the WTO and the SPS Agreement came into force).

2.3.2 Choice of agency

The NEP system was created so that Members could easily obtain information about SPS and related issues, without having to identify and directly contact the agency responsible for any given function in another Member. The NEP is the single contact point to which any relevant enquiries can be made. It has the responsibility of obtaining the answers from the relevant national bodies and replying to the Member making the enquiry.

As with the NNA, the task of establishing an NEP should not be a difficult one. Most Members will already have existing government departments or agencies responsible for handling the areas covered in the SPS Agreement, sanitary and phytosanitary measures, or for disseminating government information. The agency designated as NEP should have relationships with officials in the areas of food safety, animal and plant health so that any answers to requests can be readily obtained.

Some Members have found an advantage in having the same body to operate both the NNA and NEP. The principal benefits of such an arrangement are, as mentioned earlier, that the roles are so closely linked that having them together minimizes the financial and physical resources needed and builds up trade policy expertise in this area in a dedicated unit. In addition, it eliminates the need for coordination between the NNA and NEP, which can be problematic. As noted above, some Members prefer to have two separate bodies, and some Members establish more than one NEP.

There are two common choices for selecting an agency to operate the NEP:

- existing standards information office; or
- government department that is most concerned with the responsibilities covered by the SPS Agreement.

The NEP does not necessarily have to be a government office; it could be contracted to an independent body. Nor does it necessarily have to have officials who can themselves answer any requests made by other Members. The primary role of the NEP is to manage this part of the transparency process: that is, to obtain answers from the relevant government bodies - as quickly as possible - and provide them to the Members requesting the information. Alternatively, the relevant government body could respond directly to the requestor, with the NEP providing oversight.

2.4 Informing the WTO Secretariat

You should inform the WTO Secretariat once your NNA and NEP(s) have been established and when there is any change in their contact information. You should include the following information, where relevant:

- Contact name;
- Name of institution;
- Postal address / Physical address;
- Phone;
- Fax;
- E-mail; and
- Internet address.

This information should be sent by e-mail to spscommittee@wto.org.

The most recent information on these contact details is available through the SPS Information Management System (SPS IMS) at: <http://spsims.wto.org/en/EnquiryPointsNotificationAuthorities/Search>.

2.5 Personnel

Each Member will have their own internal governance requirements; however, it is recommended that at least one person be designated with the role that has primary responsibility for managing the duties of the NNA/NEP. As stated before, the term “NNA/NEP” is used for the purposes of this manual to describe the designated individual or team who undertakes or facilitates the roles and responsibilities of both the NNA and/or NEP. It can be useful at least two staff members trained in NNA/NEP operations as this allows for absences and commitments of staff to other duties. Where a Member operates using an efficient computer/electronic based NNA/NEP office, the roles and responsibilities would, on average, take one person approximately four hours per week.

2.6 Computer and communication hardware

The NNA/NEP operates most efficiently if the staff has reliable and regular computer access to internet and email facilities.

The whole notification process associated with the NNA/NEP relies heavily on efficient communication between domestic stakeholders, and internationally with the SPS Secretariat and other WTO Members. Given that full text documents requested by other Members should be provided within five working days, a system without e-mail and internet facilities does present additional challenges to meet the recommended procedures. Please contact the WTO Secretariat if you face any difficulties in this regard.

2.7 Operational manual

It is recommended that each Member develop and maintain an individualized (Member-specific) detailed operational manual for performing all duties of the NNA/NEP. The manual is essential for training new staff and for maintaining continuity and consistency in the operation of the NNA/NEP office. It should contain detailed instructions that are highly specific to the Member's governance arrangements and standard operating requirements and work area. The manual is a living document and should be updated whenever there is a change in the Member's operational arrangements or governance structure.

2.8 E-mail management

To operate an efficient NNA/NEP office, it is advisable to set up a dedicated e-mail address for the NNA/NEP. This could also be an e-mail address through another provider (such as Hotmail, Gmail, Yahoo, etc.). Get assistance from your IT provider to determine what the best option would be.

When establishing an e-mail address, it is recommended that the dedicated e-mail account be accessible to all NNA/NEP office operators in your department with "read" and "sending" access to the NNA/NEP mailbox.

It can be useful to categorize all relevant e-mail coming into and being sent from the NNA/NEP mailbox and save them into appropriate e-mail folders. Possible folders/categories for storage can include administration, folders relating to full texts, comments, sent notifications and other information requests. These are only suggestions, and each Member will need to design their own system that works best for them.

3 MANAGING NOTIFICATIONS MADE BY OTHER MEMBERS

Accessing and managing notifications made by other Members are important functions of the NNA/NEP. The following section describes how to access notifications through the:

- SPS Information Management System (SPS IMS);
- ePing alert system;
- WTO Documents Online; and
- XML web services.

3.1 Access through the SPS Information Management System (SPS IMS)

The SPS IMS is a specialized and detailed information source on SPS notifications, Specific Trade Concerns (STCs), NNA/NEP contact information, and other SPS documents. It allows for advanced searches on SPS notifications and facilitates creation of custom reports and graphs. This section describes some useful functions directly related to an NNA/NEP's routine activities. Please consult the SPS IMS User Guide , under the Help section of the homepage, for more complete information on the SPS IMS and its functions.

3.1.1 Search notifications

Start by connecting to the SPS IMS site: <http://spsims.wto.org>.

On the top menu bar, select **Search** → **Notifications**.

WORLD TRADE ORGANIZATION

English Français Español

SANITARY AND PHYTOSANITARY INFORMATION MANAGEMENT SYSTEM

Home Search Reports Reference lists Useful Links Contact us

Notifications

Specific Trade Concerns

Other SPS Documents

Enquiry Points/Notification Authorities

How many measures

Regular 15,745

Addenda 5,152

Corrigenda 416

Translation supplement 19

Recognition of equivalence 2

How many STCs have been raised?

Specific Trade Concerns 439

What are sanitary and phytosanitary (SPS) measures?

SPS measures are adopted by governments to ensure that food is safe for consumers, and to prevent the spread of pests or diseases among animals and plants. These measures apply to both domestically produced and imported goods. The Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement) aims to ensure these measures protect human, animal, plant life or health while avoiding unnecessary barriers to trade. More information on the SPS Agreement can be found [here](#).

What is the SPS Information Management System (SPS IMS)?

The SPS IMS is a comprehensive database allowing users to search all notified SPS measures and Specific Trade Concerns (STCs) raised in the SPS Committee. Users can also browse information on SPS National Notification Authorities and Enquiry Points, as well as other SPS-related documents circulated at the WTO. Click on [help](#) for more information on how to use the system.

Fill in the desired search criteria. This can be anything that is relevant to your task at hand, i.e. a certain date period, notifications from specific Members or affecting specific places, etc. In this example, the dates of distribution used were from 01/07/2017 to 31/07/2017.

Search notifications Export to Excel Search Reset

Search parameters

Search Search Results

Document symbol:

Notification Format: All selected

Date of distribution: to

Display subsequent Add./Corr./Rev. (even if after selected dates): No

Notifying Member:

Development status: None selected

Geographic/economic groups: None selected

Search more fields

Export to Excel Search Reset

Click **Search**.

The results appear in the browser as a table with the following fields:

Search notifications Export to Excel Search Reset

Search parameters

Search Search Results

Page 1 of 7 | Number of documents : 124 | Number of rows : 20

Document symbol	Members	Document type	Date of distribution	Products	Notification Keywords	Regions or countries likely to be affected	Links
G/SPS/N/BRA/1282	Brazil	Regular notification	31/07/2017	ICS Code(s): 13, 65	Food safety; Human health; Pesticides;		En Fr Es
G/SPS/N/IND/181	India	Regular notification	31/07/2017	Food products	Contaminants; Food safety; Human health; Pharmaceutical products;		En Fr Es
G/SPS/N/IND/182	India	Regular notification	31/07/2017	Pulses, whole and decorticated pearl millet grains, degermed maize flour and maize grit, couscous, tempe, textured soy protein, sago flour	Food safety; Human health;		En Fr Es
G/SPS/N/IND/183	India	Regular notification	31/07/2017	Steviol glycosides	Food additives; Food safety; Human health;		En Fr Es
G/SPS/N/IND/184	India	Regular notification	31/07/2017	Food products	Food safety; Human health;		En Fr Es

- *Document symbol* - the official WTO document symbol with link to the complete notification entry. All SPS notification document symbols begin with G/SPS/N/ where the N denotes a notification, followed by the ISO-3 code for the Member and the notification number. An example is G/SPS/N/CHL/34 which would be Chile's 34th notification submitted to the WTO;
- *Members* - the WTO Member that submitted the notification;
- *Document type* - the type of notification (Regular, Emergency, Addenda, Corrigenda, Translation supplements, Recognition of equivalence);
- *Date of distribution* - the date the notification was circulated to all WTO Members;
- *Products* - the product(s) concerned in the measure as entered by the Member, either HS Code, ICS code or free text;
- *Notification keywords* - keywords assigned to the document by the Secretariat;
- *Regions or countries likely to be affected* - regions or countries likely to be affected by the measure identified by the WTO Member that submitted the notification; and
- *Links* - download a *.docx file in the three WTO languages (when translation is available).

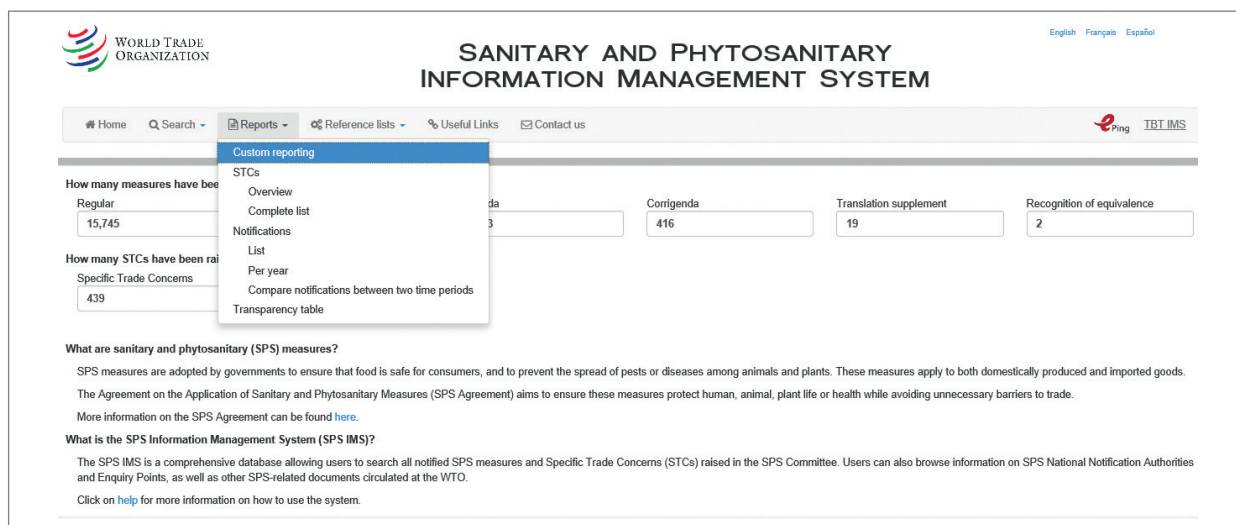
From here you can browse the results or click **Export to Excel** to generate a spreadsheet. This spreadsheet could then be e-mailed to relevant stakeholders or used as a basis to take further action.

3.1.2 Generating a custom report of notifications

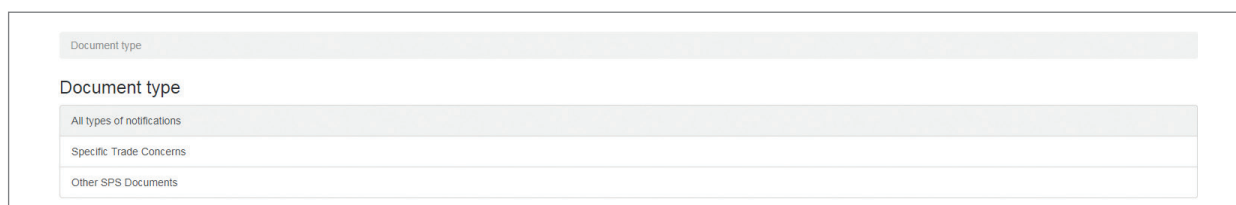
The custom reporting function enables users to generate a report based on custom search criteria. This report allows you to tailor the results to your exact needs. The report could be used for your own internal tracking purposes. It could also be shared with internal and external stakeholders.

Start by connecting to the SPS IMS site: <http://spsims.wto.org>.

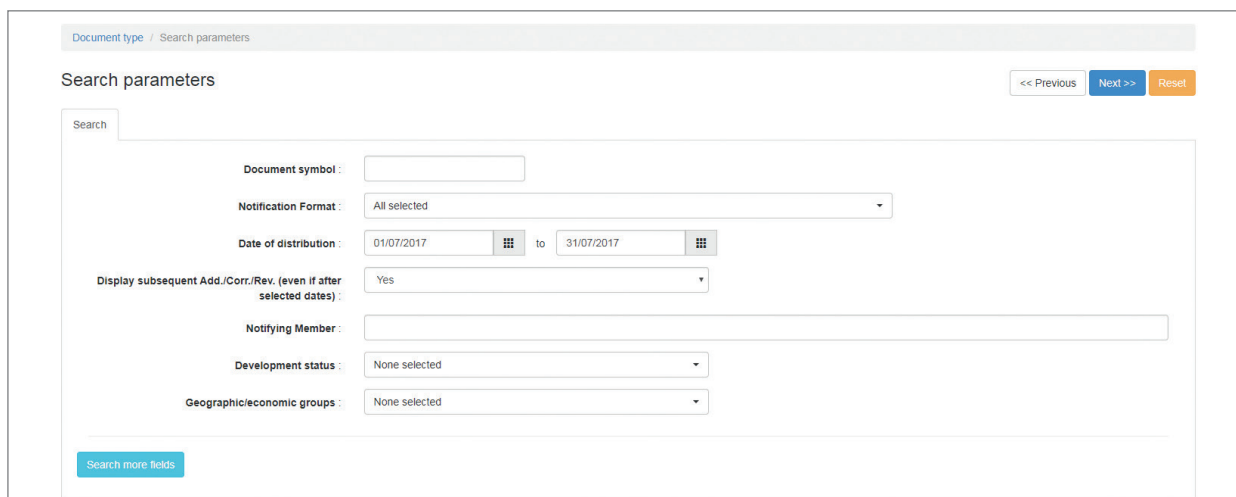
On the top menu bar, select **Reports** → **Custom reporting**.



Select **All types of notifications** from the menu.



Enter the date range (or other desired search criteria) from which you wish to create a report. Then click **Next** in the top right-hand corner.



You have the option to customize which fields are included by clicking on particular fields. You may also click on **Select All** to include all available fields in your report.

Click the **Generate report** button.

The following screen displays all the information you requested in a webpage format.

Click the **Export to Excel** button. The system will then automatically generate a spreadsheet based on your search criteria and fields chosen.

Document symbol	Notification Type	Date of distribution	Notifying Member	Description of content	Notified document title
G/SPS/N/ARE/119	Emergency notification	06/07/2017	United Arab Emirates	United Arab Emirates is lifting the ban on the importation of domestic and wild birds and their products including poultry meat, day-old chicks and eggs originating from originating from Pakistan.	Lifting of the temporary ban on t and wild birds and their products day-old chicks, and eggs, from F
G/SPS/N/ARE/119/Corr.1	Corrigenda emergency	28/07/2017	United Arab Emirates	Please be informed that the lifting of the temporary ban will only apply to importation of day-old chicks, hatching eggs, poultry meat, and eggs from Pakistan to the United Arab Emirates, and will not apply to importation of domestic and wild birds.	Lifting of the temporary ban on t chicks, hatching eggs, poultry m Pakistan to the United Arab Emi
G/SPS/N/ARE/120	Emergency notification	06/07/2017	United Arab Emirates	Following the notification published by the World Organization for Animal Health (OIE) on 22 June 2017 regarding the outbreak of Highly Pathogenic Avian Influenza Virus (HPAI) in Mpumalanga in South Africa, United Arab Emirates is applying a precautionary sanitary measure to prevent the risk of introducing HPAI virus through the imports of live birds and their products from South Africa. These measures include: Temporary ban on the importation of domestic and wild birds and their	United Arab Emirates is imposiv importation of domestic and wild by-product, day-old chicks, hatch Africa, and imposition of a tempc importation of poultry meat and t Mpumalanga in South Africa

Once you have completed this process, you can e-mail the spreadsheet to any relevant stakeholders as needed and save it in the appropriate place in your filing system.

3.1.3 Generating summary lists of notifications

Another method is to generate a list of notifications for a certain time period in the form of a Word document. This list could then be shared with relevant internal colleagues and stakeholders.

Start by accessing the SPS IMS site: <http://spsims.wto.org>.

From the home page select **Reports** → **Notifications** → **List**.

Select dates that fit with your desired time frame. Once you have selected the dates, click the **Generate document** button.

The system will then automatically generate a document summarizing all notifications received by the WTO over that period.

Once you have completed this process, e-mail the document to any relevant stakeholders and save it in the appropriate place in your filing system.

3.2 Access through the ePing SPS & TBT Notification Alert System

The WTO Secretariat, in collaboration with the United Nations Department of Economic and Social Affairs (UNDESA) and the International Trade Centre (ITC), 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. In addition, ePing's web-based platform allows users

to search for specific SPS/TBT notifications of the previous three years based on criteria such as notifying Member, products covered, and objectives of the measure (notification data in ePing is fed automatically from the SPS and TBT Information Management Systems, which contain all notifications as well as other SPS/TBT-related information dating back to 1995). ePing can also serve to keep abreast of a Member's own notifications. Furthermore, awareness of regulatory trends in other markets can assist regulators as they in turn develop measures to address similar policy objectives.

Through its Enquiry Point Management tool, ePing provides additional functionalities for officially designated NNAs/NEPs to manage and communicate with domestic stakeholders. For example, NNAs/NEPs can view who has registered from their country, with which filter criteria, create sectoral groupings, and send messages to a selected group of users. They can also activate the national discussion forum and file sharing functions to exchange comments and share complementary information regarding specific notifications (such as translations into local language) with domestic stakeholders only.

Moreover, NNAs/NEPs can reach out directly to each other through the international NNA/NEP discussion forum and file sharing functions. For example, an NNA/NEP may wish to use ePing to ask for or share the full text or unofficial translation of a notified regulation. Only NNAs/NEPs which have been granted administrator rights can make contributions at the international level yet all users can view and receive alerts regarding the information posted.

Ultimately, ePing aims to assist public and private sector stakeholders, including SMEs, in benefitting from the SPS/TBT transparency framework of the WTO. Interested SPS and TBT NNAs/NEPs can request administrator rights to access the Enquiry Point Management tool by sending an email to spstbtaalerts@wto.org. A detailed user guide as well as news items and presentations regarding ePing can be accessed through the reference materials section of the ePing website. Those interested in receiving further information/capacity building or in providing feedback are invited to send an email to spstbtaalerts@wto.org.

3.2.1 Registering for ePing

You will need to register to receive alerts and access all functionalities. To register, start by accessing ePing: <http://www.epingalert.org>.



Click on **register** and then enter your personal information in the form:



Personal information

Title	Country/territory *
First Name *	Organization name *
Last Name *	Organization type(s) *
Email *	Password *
Phone (Optional)	

Officially designated SPS and TBT Enquiry Points/Notification Authorities can request administrative rights to access additional features. Please send an email to spstbalerts@wto.org indicating whether you are from the SPS or TBT Enquiry Point, having first verified the relevant information available on the ePing website.

If you would like to request SPS NNA/NEP administrator's rights, please send an e-mail to spstbalerts@wto.org.

Next, select your filter preferences:

Filter preferences*

Product selection

Not all notifications provide full details on products covered. For optimal results, specify product name(s), corresponding HS Code(s) and ICS code(s). If a notification matches any one of these options, it will be included in the alert email. To receive all notifications, skip product selection fields.

Product name(s)

Use "OR" (capitals) to enter multiple product names (e.g. ship OR boat OR vessel)

Type product name

ICS codes

Start typing product names or codes and the corresponding options will appear.

All ICS codes

HS codes

Start typing product names or codes and the corresponding options will appear.

All HS codes

Notification type

☒ All ☐ SPS ☐ TBT

Notifying members

All Members

*Additional filters can be created on the "Search notifications" page.

Register

If you would like to receive all notifications, leave all boxes blank. To render the best filter results, fill out each box. Use "OR" between each product to enter multiple product names.

Finally, select your e-mail alert preferences. You have various options to customize how you would like to receive e-mail alerts.

Email alert preferences

Receive email alerts when new notifications match your registration or search filter(s)

☒ Daily
 ☐ Weekly
 ☐ No emails

Receive email alerts when files or other contributions are added to a notification matching your filters/favorites lists

☒ Yes
 ☐ No

Register

Once registration has been completed, you will begin receiving alerts according to your preferences. An example of an alert is shown here:

From: no-reply@epingalert.org
 To: Drieghe, Lotte
 Subject: ePing Alert - 20/10/2016
 Sent: Thu 20/10/2016 03:02

Dear Lotte Drieghe,

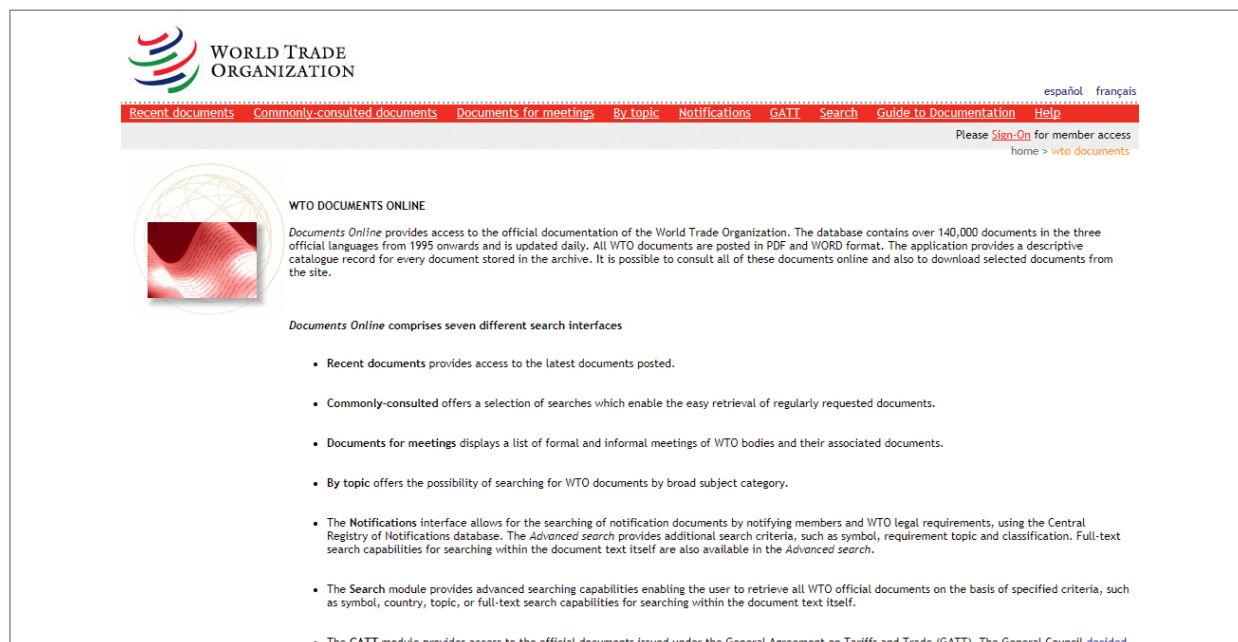
The following new SPS and/or TBT notifications circulated by the WTO on 19/10/2016 match your ePing filters. To modify or update your profile or your filter preferences, please go to www.epingalert.org.

Filter: Registration filter

Notifying Member(s)	Symbol, title and description of content	Products	Comment deadline	Links	Full text link
United States of America	G/SPS/N/USA/2896 Receipt of Several Pesticide Petitions Filed for Residues of Pesticide Chemicals in or on Various Commodities This document announces the Agency's receipt of several initial filings of pesticide petitions requesting the establishment or modification of regulations for residues of pesticide chemicals cloquintocet-mexyl, pyroxsulam, isoprazam, fluxapyroxad...	Products (free text) Multiple Products	28/09/2016	EN	Full text
El Salvador	G/SPS/N/SLV/122/Add.1 RTCA 67.06.74:16 Productos Agropecuarios Orgánicos. Requisitos para la Producción, el Procesamiento, la... La República de El Salvador notifica que se amplía el plazo de la notificación bajo la signatura siguiente G/SPS/N/SLV/122, notificado el 23 de agosto de 2016. El plazo para la presentación de observaciones se promoga hasta el 30 de noviembre de...	Products (free text) Código ICS: 67.040	30/11/2016	ES	
Thailand	G/TBT/THA/489 Draft Thai Industrial Standard for Low Carbon Steel Wire Rods (TIS 348-25xx) (10 pages, in Thai) The Thai Industrial Standards Institute (TISI) has proposed to withdraw TIS 348-2540 (1997) for low carbon steel wire rods, and replaced it with TIS 348-25xx as a mandatory standard. This standard covers steel bars of circular cross section...	Products (free text) Low carbon steel wire rods (ICS: 77.140.65)	11/12/2016	EN FR	
Korea, Republic of	G/SPS/N/KOR/550 Proposed Amendments to the Standards and Specifications for Foods The proposed amendment seeks to: 1. Expand the list of Raw materials permitted to	Products (free text) Food products	18/12/2016	EN	Full text

3.3 Access through WTO Documents Online

The WTO Documents Online database provides access to all official WTO documentation across trading topics: <https://docs.wto.org/>. As notifications (and other SPS-related documents) are official WTO documents, they are also searchable through this source.



The SPS IMS and ePing are better suited to assist in tracking SPS notifications and other documents as they are tailored to the SPS area of work. The SPS IMS builds upon the information in Documents Online, allowing for more advanced searching and reporting capabilities. Nonetheless, Documents Online remains another useful source to perform broader searches for SPS related notifications and other WTO documents.

3.3.1 Subscribing to e-Subscriptions

E-Subscriptions is an e-mail alert service through Documents Online where you can receive an e-mail alert whenever new WTO documents matching your interests are circulated.

In order to use this service, a personal WTO account is needed. The Delegation Coordinator of your WTO Mission in Geneva will be able to assist you in this regard. Please contact them if you would like to use this service to receive SPS notifications or other SPS-related documents.

3.4 Access through web services

Web services are XML-based information exchange systems that use the internet for direct application-to-application interaction. Some Members use web services to automatically extract and download notifications relevant to their functions.

Contact the WTO Secretariat to receive direct links for web services. The resulting XML reports may then be imported into a spreadsheet or your own database for processing. From there, you can choose to take further actions based on the information received.

4 INITIATING A REQUEST FOR FURTHER INFORMATION ON NOTIFICATIONS

A Member notifying an SPS regulation is obliged to supply, on request, copies of the proposed regulation. Most draft regulations are published online, and a link is included in the notification format. Where the full text of a draft regulation is not available online, it can be requested through the NNA/NEP.

All requests for documents related to a notification will be made to the notifying Member's NNA/NEP, unless it is otherwise specified or an alternative address is listed in items 12 and 13 of the notification.

Addresses can be found online in the SPS IMS at:

<http://spsims.wto.org/en/EnquiryPointsNotificationAuthorities/Search>.

Any requests for documents should refer to the document symbol of the related notification and specify which documents are needed. If the notifying Member is a developed country, it shall provide, if requested by other Members, copies of the documents or summaries of the documents covered by a specific notification in English, French or Spanish in accordance with paragraph 8 of Annex B of the SPS Agreement.

Further to this, paragraph 2.28 of G/SPS/7/Rev.4 encourages Members to grant requests for extension of the recommended 60-day comment period wherever practicable, in particular with regard to notifications relating to products of particular interest to developing country Members. Also, extensions should be considered where there have been delays in receiving and translating the relevant documents or where there is a need for further clarification of the measure notified. A 30-day extension should normally be provided and notified to the WTO.

Members are also encouraged to use the "Procedure to Enhance Transparency of Special and Differential Treatment in Favour of Developing Countries" (G/SPS/33/Rev.1), which can be found in Annex 3 of this manual.

The NNA/NEP should operate a reminder system to ensure that pending requests are re-sent after a certain period if a response is not received. You may also consider alternative channels (e.g. WTO missions in Geneva, embassy or diplomatic representation in your country/territory, other Members' NNAs/NEPs). When documents requested have been received by your NNA/NEP, after acknowledging receipt of the documents by e-mail and distributing the documents to the originator of the request, it can be useful to file the e-mail request in your e-mail filing structure in the NNA/NEP inbox.

5 NOTIFYING SPS REGULATIONS

The SPS Agreement requires WTO Members to notify proposed sanitary and phytosanitary regulations if the regulation may have a significant effect on trade of other WTO Members and

- **either** an international standard, guideline or recommendation does not exist; **or**
- the content of a proposed SPS regulation is not substantially the same as the content of an international standard, guideline or recommendation.

The SPS Committee has recommended that Members notify all regulations, even if they are based on, conform to, or are substantially the same as an international standard, guideline or recommendation, if they are expected to have an effect on trade of other Members.

5.1 SPS regulations

The scope of what constitutes a regulation is quite broad. SPS regulations are defined as “sanitary and phytosanitary measures such as laws, decrees or ordinances that are applicable generally” (SPS Agreement, Annex B, footnote 5).

Annex A, paragraph 1 of the SPS Agreement goes on to say that:

Sanitary or phytosanitary measures include all relevant laws, decrees, regulations, requirements and procedures including, inter alia, end product criteria; processes and production methods; testing, inspection, certification and approval procedures; quarantine treatments including relevant requirements associated with the transport of animals or plants, or with the materials necessary for their survival during transport; provisions on relevant statistical methods, sampling procedures and methods of risk assessment; and packaging and labelling requirements directly related to food safety.

The subject areas covered by the term “SPS measure” are defined quite specifically. SPS measures have one of the following objectives:

- to protect animal or plant life or health within the Member country from risks arising from the entry, establishment or spread of pests, diseases, disease-carrying organisms or disease-causing organisms;
- to protect human or animal life or health within the Member country from risks arising from additives, contaminants, toxins or disease-causing organisms in foods, beverages or feedstuffs;
- to protect human life or health within the Member country from risks arising from diseases carried by animals, plants or products thereof, or from the entry, establishment or spread of pests; or
- to prevent or limit other damage within the Member country from the entry, establishment or spread of pests.

All SPS regulations applied to mitigate any of these risks should be notified to the WTO if it may have a significant effect on trade.

When a regulation contains both SPS and TBT measures, it should be notified according to both the SPS and TBT Agreements, preferably with an indication of which parts of the regulation fall under the SPS Agreement (e.g., a food safety measure) and which parts fall under the TBT Agreement (e.g., quality or compositional requirements).

5.2 International standard, guideline or recommendation

What constitutes an “international standard, guideline and recommendation” is defined in Article 3 and Annex A, paragraph 3 of the SPS Agreement.

Figure 3: International standard-setting bodies in the SPS Agreement

Food Safety Joint FAO/WHO Codex Alimentarius Commission (Codex) http://www.fao.org/fao-who-codexalimentarius/en/	
Animal health World Organization for Animal Health (OIE) http://oie.int/	
Plant health International Plant Protection Convention (IPPC) https://www.ippc.int/en/	

No other standard-setting bodies have yet been recognized by the SPS Committee for matters not covered by the above organizations, although this possibility is allowed for under the SPS Agreement.

5.3 Significant effect on trade

When assessing whether the SPS regulation may have a significant effect on trade, the SPS Committee has recommended that Members concerned should consider relevant available information including:

- the value or other importance of imports in respect of the importing and/or exporting WTO Members concerned, whether from other WTO Members individually or collectively;
- the potential development of such imports; and
- the difficulties for producers in other Members to comply with the proposed SPS regulations.

The concept of a significant effect on trade should include both import-enhancing and import-reducing effects on the trade of other Members, as long as such effects are significant.

This definition of significant effect on trade is quite broad. If there is any chance the measure could have a significant effect on trade, then it should be notified.

6 WHEN SHOULD A NOTIFICATION BE MADE?

6.1 Regular notifications

Except in urgent circumstances, a notification should be made when a **draft** with the **complete text of a proposed regulation** is available, and when amendments can still be introduced and comments be taken into account.

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.

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. 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.

6.2 Emergency notifications

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

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.

7 WRITING AN SPS NOTIFICATION

Notifications should be written, or at least scrutinized, by someone (such as the author of the document being notified) who has a good knowledge of the measure being notified. Templates for notifications are available on the SPS Members' transparency toolkit web site: <https://www.wto.org/spstransparency>.

The content of the following notification formats is described in this section:

- Regular;
- Emergency;
- Revisions;
- Addenda/Corrigenda;
- Unofficial translation supplements;
- Recognition of equivalence; and
- Special & Differential Treatment notifications according to G/SPS/33/Rev.1, as addenda.

Notifications may be submitted by Members directly online through SPS Notification Submission System (SPS NSS). More information is available in Chapter 8.

7.1 Regular notifications

Regular notifications must be made on an official WTO notification form. Information contained in the notifications should be as complete as possible and no section should be left blank. Where necessary, "None" or "Not applicable" should be indicated.

7.1.1 Items 1-3

- | |
|---|
| 1. Notifying Member:
If applicable, name of local government involved: |
|---|

The name of the WTO Member making the notification.

- | |
|-------------------------------|
| 2. Agency responsible: |
|-------------------------------|

Indicate the name of the agency or department responsible for developing the proposed SPS regulation being notified under the notification, e.g.:

- Health;
- Fisheries;
- Agriculture;
- Forestry; or
- Environment.

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):

Use clear descriptions to aid understanding of the notification by Member officials and translators. Avoid abbreviations. It is recommended that tariff item numbers (e.g. HS Code, ICS number) be provided where possible, at least at chapter level.

7.1.1.1 Example

1. Notifying Member: <u>THE SHIRE</u> If applicable, name of local government involved:
2. Agency responsible: Department of Food Safety, Ministry of Health
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): Fresh fruits and vegetables - HS Code(s): 08, 07; ICS Code(s): 67.080

7.1.2 Items 4-7

4. Regions or countries likely to be affected, to the extent relevant or practicable: ☐ All trading partners ☐ Specific regions or countries:
--

Identify the geographical regions or countries likely to be affected, to the extent relevant or practicable. Where possible, list the Members affected. If it is not possible to identify specific regions or countries, or the measure will affect all, then tick the box "All trading partners".

5. Title of the notified document: . Language(s): . Number of pages:

This must contain the exact title, language and number of pages of the notified document; usually a law or regulation.

6. Description of content:

Summarize the SPS measure clearly, indicating its health protection objective and content. The summary should be as complete and accurate as possible to allow full understanding of the proposed regulation. Write clearly and without abbreviations.

For this item you should:

- ✓ describe the species or products and Members (or countries) affected, the status quo and significance of the proposed changes;

- ✓ where practicable include an outline of the specific sanitary or phytosanitary measures the regulation will impose; and
- ✓ to the extent possible, describe the likely effects on trade.

However, when completing the item you should:

- ✗ avoid using abbreviations; and
- ✗ use acronyms only where absolutely necessary.

7. Objective and rationale: ☐ food safety, ☐ animal health, ☐ plant protection, ☐ protect humans from animal/plant pest or disease, ☐ protect territory from other damage from pests.

Put a cross in the relevant box. SPS measures must belong to one of these categories (and can fit into more than one). Apart from marking one of the boxes, you could also specify the exact risks, e.g. “to protect New Zealand poultry production from the entry, establishment or spread of Avian Influenza”.

SPS measures will belong to:

- food safety;
- animal health;
- plant protection;
- protect humans from animal/plant pest or disease; or
- prevent territory from other damage from pests.

Food safety

Put a cross in this box if the measure relates to foods, beverages and is to protect human life or health within the territory of the Member from risks arising from:

- additives;
- contaminants;
- toxins; or
- disease-causing organisms.

Take particular care that food safety measures fit these very specific criteria. They must be imposed to protect against health risks, and not merely set compositional standards. They must also deal with one of the four categories of health risks covered by the SPS Agreement (additives, contaminants, toxins or disease-causing organisms). Food safety measures involving labelling or nutrition might also (or alternatively) require notification under the TBT Agreement.

Animal health

Put a cross in this box if the measure is to protect animal life or health within the territory of the Member from risks arising from the entry, establishment or spread of:

- pests;
- diseases;
- disease-carrying organisms; or
- disease-causing organisms.

You should also put a cross in this box if the measure relates to protection of animal health from contaminated feed.

Plant protection

Put a cross in this box if the measure is to protect plant life or health within the territory of the Member, from risks arising from the entry, establishment or spread of:

- pests;
- diseases;
- disease-carrying organisms; or
- disease-causing organisms.

Protect humans from animal/plant pest or disease

Tick this box if the measure is to protect human life or health within the territory of the Member, from risks arising from:

- diseases carried by animals or products thereof;
- plants or products thereof; or
- from the entry, establishment or spread of pests.

Prevent territory from other damage from pests

This category applies in case of damage that does not fit into one of the above categories. Put a cross in this box if the measure is to protect the territory of the Member from:

- other damage from pests, including invasive alien species.

7.1.2.1 Example

4.	Regions or countries likely to be affected, to the extent relevant or practicable: ☒ All trading partners ☐ Specific regions or countries:	Indicate the Member(s) or region(s) affected
5.	Title of the notified document: Update to the Shire Food Code, Annex C – Fruits and Vegetables. Language(s): English. Number of pages: 45 http://members.wto.org/crnattachments/2017/SPS/SHR/17_1076_00_e.pdf	
6.	Description of content: The legislation seeks to introduce t contaminant limits in food set forth in the relevant international sta	Summarize the regulation
7.	Objective and rationale: ☒ food safety, ☐ animal health, ☐ plant protection, ☐ protect humans from animal/plant pest or disease, ☐ protect territory from other damage from pests.	

What is the purpose of the measure – what is it protecting?

7.1.3 Item 8

8.	Is there a relevant international standard? If so, identify the standard: ☐ Codex Alimentarius Commission (e.g. title or serial number of Codex standard or related text): ☐ World Organization for Animal Health (OIE) (e.g. Terrestrial or Aquatic Animal Health Code, chapter number): ☐ International Plant Protection Convention (e.g. ISPM number): ☐ None Does this proposed regulation conform to the relevant international standard? ☐ Yes ☐ No If no, describe, whenever possible, how and why it deviates from the international standard:
----	--

Indicate the appropriate reference of the existing standard, guideline or recommendation from Codex, OIE or IPPC.

Indicate if the proposed regulation conforms to the relevant international standard. If it does not, describe how and why it deviates from the relevant standard. Note that in this context, being in conformity with the international standard means that the proposed regulation is substantially the same as the standard. It does not refer to whether the health objective of, or level of protection achieved by, the proposed regulation is the same as that delivered by the standard.

If a relevant standard, guideline or recommendation does not exist, put a cross in the box “None”.

7.1.3.1 Example

What international standard setting body is relevant?

8. Is there a relevant international standard? If so, identify the standard: ☒ Codex Alimentarius Commission (e.g. title or serial number of Codex standard or related text): CODEX STAN 193-1995 ☐ World Organization for Animal Health (OIE) (e.g. Terrestrial or Aquatic Animal Health Code, chapter number): ☐ International Plant Protection Convention (e.g. ISPM number): ☐ None Does this proposed regulation conform to the relevant international standard? ☒ Yes ☐ No If no, describe, whenever possible, how and why it deviates from the international standard:
--

As previously mentioned, the SPS Committee encourages Members to notify all regulations that are based on, conform to, or are substantially the same as an international standard, guideline or recommendation, if they are expected to have a significant effect on the trade of other Members.

7.1.4 Item 9

9. Other relevant documents and language(s) in which these are available:

Several different types of publications can be referenced here, but for some measures, it is also appropriate to state "None".

Publications which could be referenced are:

- Publication where notice of the proposed regulation appears, including date and reference numbers;
- Proposal and basic document to which proposal refers (e.g. the principal act, for amendments to legislation), with specific reference number or other identification. Give also the language(s) in which the notified documents and any summary of these are available; or
- Publication in which the proposed regulation will appear when adopted (e.g. New Zealand Gazette for regulations).

7.1.4.1 Example

9. Other relevant documents and language(s) in which these are available: Shire Food Code, English http://www.shire.gov/regulations/food-code/

Relevant documents

- Publications where a notice of the proposed regulation appears
- The basic document to which regulation refers, e.g. risk assessment

Other information

- What language?
- Are summaries available?
- Any relevant charges for documents, etc.?

7.1.5 Items 10-13

- | |
|---|
| 10. Proposed date of adoption (dd/mm/yy):
Proposed date of publication (dd/mm/yy): |
|---|

Specify the date when the sanitary or phytosanitary regulation is expected to be adopted (or approved) and published; when no more changes will be made to the text of the measure.

- | |
|--|
| 11. Proposed date of entry into force: ☐ Six months from date of publication, and/or (dd/mm/yy):
☐ Trade facilitating measure |
|--|

Indicate the date from which the requirements in the regulation will, or are expected to, enter into force. Normally the interval between publication and entry into force should be a period of not less than 6 months.

- | |
|---|
| 12. Final date for comments: ☐ Sixty days from the date of circulation of the notification and/or (dd/mm/yy):
Agency or authority designated to handle comments: ☐ National Notification Authority, ☐ National Enquiry Point. Address, fax number and email address (if available) of other body: |
|---|

The date by which other WTO Members may submit comments should normally be at least 60 days after the notification is distributed by the WTO. Where possible, tick the sixty days from the date of circulation in the notification option. Otherwise, give a specific date. Give a specific contact for receipt of comments. This should be the person actually considering submissions (usually the author of the regulation or standard). Give the full contact details.

- | |
|---|
| 13. Texts available from: ☐ National Notification Authority, ☐ National Enquiry Point. Address, fax number and email address (if available) of other body: |
|---|

SPS measures should normally be available from the NNA. For measures notified on behalf of other agencies, give the name, address, fax number and address for the appropriate contact for that agency; this might be the designated NNA/NEP or the author of a standard. If the document is available on the internet, give the precise hyperlink.

Where possible, when submitting notifications to the WTO Secretariat, attach full texts (PDF format) of the notified measures. When circulating notifications, the WTO creates hyperlinks to these in the notification format for easy access for Members. This provides a useful facility for Members not in a position to operate their own websites.

The author of a draft notification should send it to the NNA/NEP who will check its completeness before submitting it to the WTO. It is recommended that all relevant documents (e.g. full text regulations being notified) be sent to the NNA/NEP at the same time.

7.1.5.1 Example

10.	Proposed date of adoption (dd/mm/yy): 01/11/2017 Proposed date of publication (dd/mm/yy): 09/11/2017
11.	Proposed date of entry into force: ☒ Six months from date of publication, and/or (dd/mm/yy): ☐ Trade facilitating measure
12.	Final date for comments: ☒ Sixty days from the date of circulation of the notification and/or (dd/mm/yy): Agency or authority designated to receive comments, [X] National Enquiry Point, [] National Notification Authority, [X] National Enquiry Point. Address, fax number and email address (if available) of other body:
13.	Texts available from: ☒ National Notification Authority, ☒ National Enquiry Point. Address, fax number and email address (if available) of other body:

Is it trade facilitating? Will new trade now be available? If not, make sure you put the date!

Who is dealing with comments and how long does a Member have (should be at least 60 days)?

Where can Members get copies?

7.2 Emergency notifications

Emergency notifications are also made on a specific WTO format.³ Information contained in the notifications should be as complete as possible and no section should be left blank. Where necessary, "None" or "Not applicable" should be indicated.

Most of the information required for an emergency notification is the same as that required for a routine notification. There are however, three key boxes that require specific important information.

6. Description of content:

Summarize the SPS measure clearly, indicating its health protection objective and content. Describe the species or products and Members affected; and the status quo and significance of the proposed changes. Where practicable also include an outline of the specific sanitary measures the regulation will impose. To the extent possible, describe the likely effects on trade.

The summary should be as complete and accurate as possible to allow full understanding of the proposed regulation. Write clearly and without abbreviations.

8. Nature of the urgent problem(s) and reason for urgent action:

Indicate the reason(s) for resorting to emergency action (e.g. outbreak of a particular disease in a particular country).

³ <https://www.wto.org/spstransparency>.

- 11. Date of entry into force (dd/mm/yy)/period of application (as applicable):**
☐ Trade facilitating measure

Indicate the date from which the measure requirements entered into force, and the period of time during which they will apply. For example: immediate entry into force on [date], duration [of two months] or [to be decided].

7.2.1 Example

What is the nature of the emergency action being taken?

- 6. Description of content:** This order provides the rationale and the conditions in instituting this emergency measure imposing a temporary ban on the importation of poultry and poultry products from Minas Tirith and Osgiliath, Gondor.

Why is there a need for emergency action?

- 8. Nature of the urgent problem(s) and reason for urgent action:** There is a risk of contamination from importing poultry and poultry products from Gondor, which is affected with the H5N8 strain of highly pathogenic avian influenza (HPAI). This measure was taken based on the official reports submitted by the Gondorian Livestock Agency to the World Organization for Animal Health (OIE) on 19 and 21 June 2017, confirming that there were outbreaks of H5N8 virus in Minas Tirith and Osgiliath in Gondor.

- 11. Date of entry into force (dd/mm/yy)/period of application (as applicable):**
 14 July 2017, with monthly review until further notice.
☐ Trade facilitating measure

When did it enter into force and how long will it stay in place?

7.3 Addenda, corrigenda and revisions

An addendum is used when there are changes to the regulatory document that has previously been notified, e.g. a new plant to be included in the import requirements for nursery stock, or the comment period has been extended by 30 days.

A corrigendum is used when there was an error made in the original notification.

Addenda and corrigenda should be read in conjunction with the original notification.

A revision should be submitted when, for example, a particular regulation was substantially modified. The format is similar to that of a regular notification, and it will replace the original notification.

Addenda, corrigenda and revisions will be notified under either regular or emergency notifications depending on how they were notified in the first place.⁴

⁴ <https://www.wto.org/spstransparency>.

7.4 Unofficial translation supplements notifications

Any Member possessing an unofficial translation of a document relating to a notification should inform the notifying Member of the existence of such unofficial translation and should submit to the WTO Secretariat a supplement to the original notification. The supplement should indicate the address for requesting a copy or the website address where the unofficial translation can be found.⁵

7.5 Recognition of equivalence notifications

In accordance with the Decision on Equivalence (G/SPS/19/Rev.2), a Member which has made a determination recognizing the equivalence of sanitary or phytosanitary measures of another Member or Members shall notify other Members through the WTO Secretariat of the measure(s) recognized to be equivalent and of the products affected by this recognition.

7.6 Special & Differential Treatment notifications according to G/SPS/33/Rev.1, as addenda to regular or emergency notifications

When an importing Member decides on whether and how special and differential treatment may be provided in response to a specific request, that Member should inform the SPS Committee. This may be done in writing and/or under the agenda item on Special and Differential Treatment at any meeting of the SPS Committee. Information provided in writing should be submitted to the WTO Secretariat as an Addendum to the original notification concerning the measure. The addendum shall indicate: (1) the name(s) of Member(s) that requested special and differential treatment; (2) if special and differential treatment was provided, the form of such treatment; and (3) if not provided, the addendum shall indicate why special and differential treatment was not provided and whether technical assistance or any other solution was found to address the identified concern.

7.7 Submitting notifications

Notifications may be submitted online by using the SPS NSS platform (<https://nss.wto.org/spsmembers>) or as an email attachment to WTO CRN (crn@wto.org).

Please contact the WTO Secretariat if you are not able to submit notifications via the SPS NSS or e-mail.

7.8 Publish on website

Where applicable, send both the notification and the full text regulation to your website IT personnel for publication on your website. It is helpful to include the title of the regulation and the deadline for comments. The link to the website where the text has been published should be included in the notification, to make it easily accessible to interested Members.

⁵ G/SPS/7/Rev.4, para. 2.23.; G/SPS/GEN/487.

8 THE SPS NOTIFICATION SUBMISSION SYSTEM (SPS NSS)

8.1 Introduction to the SPS NSS

The 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 SPS NSS is directly compatible with the SPS IMS and maintains a similar layout.

Access to the SPS NSS is password protected. Upon request, each Member receives two different user names and passwords (a submitting user name and a secondary user name). While both user names will be able to fill out notifications, only the submitting user name - which ends in the number 01 (i.e. ABCSPSNSS01, where ABC represents your three-letter country code) - will be able to officially submit the notification to the WTO Central Registry of Notifications (CRN). In contrast, the secondary user name (ending in 02) will only be able to fill out all of the required information up until the very last step prior to its submission.

These different authorization levels were envisioned in order for non-NNA users (e.g. regulatory agencies) to fill out all of the required information and then for the NNA to review and officially submit the notification to the CRN (with the submitting user name).

The SPS NSS allows multiple user names per Member to be logged on at the same time provided that they work on different notification records. Therefore, ABCSPSNSS01 and ABCSPSNSS02 can be logged on, create and edit different notifications at the same time.

The responsibility lies with the Member to decide who should be granted access to these user names and passwords. For security purposes, only the NNA officially identified to the WTO Secretariat will be able to request these new passwords. You may contact spscommittee@wto.org to request access credentials for the SPS NSS.

8.2 Accessing the SPS NSS

The SPS NSS is accessible at: <https://nss.wto.org/spsmembers>.

You will be prompted to enter your user name and password.

8.2.1 SPS NSS Dashboard

The first screen is the Dashboard and the starting point for using the SPS NSS. The dashboard contains information related to all notifications in progress or that have already been submitted, which are:


**WORLD TRADE
ORGANIZATION**

SANITARY AND PHYTOSANITARY

[English](#) [Français](#) [Español](#)

[Doleans](#)

[Dashboard](#) [Prepare Notification](#)

Regular notifications

Draft	330
Completed	11
Submitted	0
In process	36
Issued	4185
Templates	98

Emergency notifications

Draft	13
Completed	2
Submitted	0
In process	3
Issued	363
Templates	10

Addendum/corrigendum

Draft	47
Completed	0
Submitted	0
In process	4
Issued	1637
Templates	22

Translation supplements

Draft	3
Completed	0
Submitted	0
In process	0
Issued	4
Templates	0

Recognition of equivalence

Draft	0
Completed	0
Submitted	0
In process	0
Issued	0
Templates	0

- *Draft* - the number of notifications that are currently in draft form. These may be completed by either users with regular or administrative rights;
- *Completed* - the number of notifications that are in the completed stage. Completed indicates that the person drafting the notifications is finished and has sent it for review. In the completed stage, a user with administrative rights may approve the notification to the next stage (submit to WTO CRN) or send it back to the original author for review. Once submitted, the Member is finished with the submission process. However, the WTO Secretariat may contact the Member at a later stage in the event of any needed clarifications;
- *Submitted* - the number of notifications officially submitted to WTO CRN by the user with administrative rights and awaiting processing by the WTO Secretariat;
- *In process* - the number of notifications that are currently being processed by the WTO Secretariat;
- *Issued* - the number of notifications that are issued. These notifications have been shared with other Members and are accessible through the SPS IMS and other relevant data sources (WTO Documents Online, ePing, I-TIP); and
- *Templates* - the number of templates currently saved in the system. Templates are a notification that may be partially completed with frequently used information (for example, the contact information of the NNA or relevant NEP). The template may then be copied and used as the basis to begin a draft notification.

From the dashboard, users may also directly perform actions related to submitting notifications.

8.3 Submitting notifications through the SPS NSS

The WTO Secretariat has developed a detailed user guide for the SPS NSS. 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.

The guide is available from the Members' transparency toolkit Webpage:

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

Please contact the WTO Secretariat should you have any questions regarding the SPS NSS at spscommittee@wto.org.

9 HANDLING COMMENTS AND REQUESTS FOR INFORMATION ON NOTIFIED DOCUMENTS

9.1 Handling comments from WTO Members

When other WTO Members make comments on a notified SPS measure, the NNA/NEP is responsible for overseeing this process. If the submission is only sent to the NNA/NEP, then it is the NNA/NEP's responsibility to forward it to the author of the regulation. If the NNA/NEP has only been copied into the e-mail then they must ensure that the author of the original WTO notification was included in the e-mail address and any other recipients are the correct and appropriate contacts.

It is the responsibility of the agency or office receiving submissions on notified documents to:

- acknowledge receipt of comments;
- discuss comments if requested to;
- explain to all Members submitting comments how their comments are (or are not) being taken into account in the final SPS measure;
- provide extra information on the measure if requested; and
- in all cases, send to all those providing comments a copy of the final SPS measure when it is adopted, or (if applicable) advice that no measure is being adopted for the time being. (The web address of the final regulation would be acceptable in most cases).

Where possible, any documents should be sent as e-mail attachments.

9.2 Handling requests for information from WTO Members

As highlighted in Chapter 2.3, the NEP is responsible for providing answers to all reasonable questions from interested WTO Members as well as for the provision of relevant documents regarding:

- any sanitary or phytosanitary regulations adopted or proposed within its territory;
- any control and inspection procedures, production and quarantine treatment, pesticide tolerance and food additive approval procedures, which are operated within its territory;
- risk assessment procedures, factors taken into consideration, as well as the determination of the appropriate level of sanitary or phytosanitary protection;
- the membership and participation of the Member, or of relevant bodies within its territory, in international and regional sanitary and phytosanitary organizations and systems, as well as in bilateral and multilateral agreements and arrangements within the scope of the SPS Agreement;
- and the texts of any such agreements and arrangements.

Where possible, any documents should be sent as e-mail attachments.

9.3 Receipt of requests

Requests to the NNA/NEP for information usually come from other WTO Members' NEPs. The most up-to-date contact information submitted to the WTO is available on the SPS IMS at: <http://spsims.wto.org/en/EnquiryPointsNotificationAuthorities/Search>.

In practice requests for information will also originate from other interested parties (such as government departments or industry groups) and from non-WTO Members. Many Members treat all such enquiries equally, and respond to all reasonable requests for information about SPS measures.

Requests for information which are best filled (completely or in part) by other departments or agencies should be forwarded appropriately. That department or agency should be asked to advise the NNA/NEP when the request is fulfilled; if this is not done within a reasonable time a reminder should be sent.

9.4 Acknowledging, recording and filing

Requests should be answered within five working days. If more time is needed, then an acknowledgment estimating the envisioned delay for a full reply should be sent.

It might be useful to categorize and save into e-mail folders all relevant e-mails coming into and being sent from the "SPS NNA/NEP" mailbox. As an alternative to using the e-mail system to record requests, a spreadsheet can be used to track and file NNA/NEP info requests.

Where possible, any documents should be sent as e-mail attachments. If the documents are available on the internet, then the relevant link can be forwarded.

10 ANNEXES

Annex 1 – Useful links

Annex 2 – Recommended Procedures for Implementing the Transparency Obligations of the SPS Agreement (Article 7) - G/SPS/7/Rev.4

Annex 3 – Procedure to enhance Transparency of Special and Differential Treatment in Favour of Developing Country Members – G/SPS/33/Rev.1

ANNEX 1

Useful links

SPS Gateway – <http://www.wto.org/sps>

Members' transparency toolkit – <http://www.wto.org/spstransparency>

SPS Notification Submission System (SPS NSS)

- <https://nss.wto.org/spsmembers>
- SPS NSS – User guide available from the Members' transparency toolkit Webpage (<http://www.wto.org/spstransparency>)

SPS Information Management System (SPS IMS)

- <http://spsims.wto.org>
- SPS IMS – User guide available from the Members' transparency toolkit Webpage (<http://www.wto.org/spstransparency>)

ePing alert system for SPS and TBT notifications – <http://www.epingalert.org>

ANNEX 2

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



Committee on Sanitary and Phytosanitary Measures

**RECOMMENDED PROCEDURES FOR IMPLEMENTING
THE TRANSPARENCY OBLIGATIONS OF THE SPS AGREEMENT (ARTICLE 7)**

Revision¹

The term transparency in the context of the World Trade Organization (WTO) is used to signify one of the fundamental principles of its agreements: the aim is to achieve a greater degree of clarity, predictability and information about trade policies, rules and regulations of Members. In implementing this concept Members use notifications. Under the SPS Agreement, notifications are used to inform other Members about new or changed regulations that may significantly affect their trading partners.² Transparency under the SPS Agreement also includes answering reasonable questions, and publishing regulations.

These procedures have been developed to assist Members fulfil their transparency obligations under Article 7 and Annex B of the SPS Agreement regarding the notification of SPS regulations, answering information requests under the National Enquiry Point system and publishing regulations.

These guidelines do not add to nor detract from the existing rights and obligations of Members under the SPS Agreement nor any other WTO Agreement. These guidelines do not provide any legal interpretation or modification to the SPS Agreement itself.

1 IDENTIFICATION OF THE NATIONAL NOTIFICATION AUTHORITY AND OF THE NATIONAL ENQUIRY POINT

1.1. In accordance with paragraph 10 of Annex B of the SPS Agreement, Members are obliged to designate "a single central government authority" as responsible for the implementation at the national level of the provisions concerning notification procedures. Paragraph 3 of Annex B of the SPS Agreement indicates that each Member "shall ensure that one enquiry point exists" which is responsible for the provision of answers to all reasonable questions as well as the provision of relevant documents.³

1.2. When a Member's National Notification Authority or National Enquiry Point has been designated, or changed, the WTO Secretariat should be informed. Contact information is available through the SPS Information Management System (<http://spsims.wto.org>). It is useful to provide the following contact information so that they can be included in the lists:

- Contact name;
- Name of institution;
- Postal address/physical address;
- Phone;

¹ This revision of the Recommended Transparency Procedures does not include any substantive changes to the text. It incorporates updates based on changes in the online tools (SPS IMS, SPS NSS and ePing) and the notification templates. It also includes text and the notification format contained in the Decision on Special and Differential Treatment (G/SPS/33/Rev.1) to consolidate all notification recommendations into one document.

² The SPS Agreement uses the terms 'measures' and 'regulations' somewhat interchangeably when referring to any sanitary or phytosanitary measure such as laws, decrees, or ordinances applied to protect human, animal or plant life or health as defined under paragraph 1 of Annex A to the SPS Agreement.

³ In practice, a number of Members have decided to designate the same entity as the Enquiry Point and the National Notification Authority while others have found it more functional to establish more than one Enquiry Point to cover the areas of food safety, animal and plant health.

- Fax;
- E-mail; and
- Website address.

2 RECOMMENDED NOTIFICATION PROCEDURES

2.1. Members should follow these procedures when notifying regulations as required in paragraphs 5 or 6 of Annex B of the SPS Agreement. The form for regular notifications (see Annex A-1 of these procedures) should be used for notifications in accordance with paragraph 5 of Annex B of the SPS Agreement, whereas the form for emergency notifications (see Annex B-1 of these procedures) should be used for notifications as provided for in paragraph 6 of Annex B of the SPS Agreement.

2.1 Application of Annex B, paragraph 5 (preambular part) of the SPS Agreement

2.2. In accordance with Article 7 and paragraph 5 of Annex B of the SPS Agreement, Members are required to notify all regulations the content of which is "not substantially the same as the content of an international standard, guideline or recommendation", if such regulations are expected to have a significant effect on trade of other Members.

2.3. Members are encouraged to notify all regulations that are based on, conform to, or are substantially the same as an international standard, guideline or recommendation, if they are expected to have a significant effect on trade of other Members.⁴

2.4. For the purposes of Annex B, paragraphs 5 and 6 of the SPS Agreement, the concept of "significant effect on trade of other Members" may refer to the effect on trade:

- of one sanitary or phytosanitary regulation only or of various sanitary or phytosanitary regulations in combination;
- in a specific product, group of products or products in general; and
- between two or more Members.

2.5. To assess whether the sanitary or phytosanitary regulation may have a significant effect on trade, the Member concerned should consider relevant available information such as: the value or other importance of imports to 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, particularly in developing country 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.

2.2 Timing of notifications

2.6. Paragraph 5(a) of Annex B of the SPS Agreement obliges Members to publish a notice at an early stage in such a manner as to enable interested Members to become acquainted with a proposal to introduce a particular regulation. This is useful so that other Members are better able to assess and if necessary, comment on the proposed measures. Members may wish to provide information to the SPS Committee regarding expected modifications to their national regulatory systems.

2.7. Paragraph 5(b) of Annex B of the SPS Agreement obliges Members to submit a notification at an early stage when amendments can still be introduced and comments taken into account. This should be done when a draft of the complete text of a regulation is available.

2.8. Paragraph 5(d) of Annex B of the SPS Agreement obliges Members to allow a reasonable period of time for submission, discussion and consideration of comments. Members should normally allow a period of at least sixty calendar days for comments, except for proposed

⁴ The Secretariat should provide an annual report on the level of implementation of the transparency provisions of the SPS Agreement and of the recommended transparency procedures contained in this document, including, *inter alia*, an overview of those notifications which relate to the adoption of international standards, guidelines and recommendations by Members.

measures which facilitate trade⁵ and those which are substantially the same as an international standard, guideline, or recommendation. Where domestic regulatory mechanisms allow, the 60-day comment period should normally begin with the circulation of the notification by the WTO Secretariat. Any Member which is able to provide a time-limit beyond sixty days is encouraged to do so.

2.9. A notification should be made well before the entry into force of the relevant measure, except when urgent problems of health protection arise or threaten to arise for the Member concerned. In accordance with paragraph 6(a) of Annex B of the SPS Agreement, any regulation brought into force in urgent circumstances is required to be notified immediately and a rationale for the urgent action provided.

2.10. The late notification of a measure already in force does not in and of itself constitute sufficient reason for the use of the emergency format. When urgent problems of health protection are not involved, late notifications should be made using the regular format and consideration should still be given to all comments received, in accordance with paragraph 5(d) of Annex B of the SPS Agreement.

2.3 Requesting documents related to a notification

2.11. Members requesting documents related to a notification should provide all the information necessary to identify the documents and in particular the WTO SPS notification number to which the requests refer.

2.12. When requesting an electronic transmission of documents from another Member, Members should indicate which electronic formats they are able to receive, including compatible versions.

2.4 Providing documents related to a notification

2.4.1 Address of body supplying the documents

2.13. Members should indicate under point 13 of the WTO notification format the full address of the body responsible for supplying the relevant documents if that body is not the National Notification Authority or the National Enquiry Point. Where the relevant documents are also available from a website, the website address or a specific hyperlink to these documents should be provided.

2.4.2 Responding to requests

2.14. Members are obliged to provide upon request to other Members copies of the proposed regulation in accordance with paragraph 5(c) of Annex B of the SPS Agreement. Documents requested should normally be provided within five working days. If this is not possible, the request for documentation or information should be acknowledged within that period and an estimate given of the time required to provide the requested documentation. With a view to facilitating the timely provision of comments on notifications, Members are strongly encouraged to comply with the five-day deadline.

2.15. Documents supplied in response to a request should be identified with the WTO SPS notification number to which the request refers.

2.16. Members should use e-mail facilities to the extent possible in responding to requests for documentation or information. Members are encouraged to publish their sanitary or phytosanitary measures on the Internet, to facilitate the supply of documents, and to provide the address of relevant websites.

2.17. Members may also submit an electronic version of the text of the notified draft regulation together with the notification format. These texts are stored on a WTO server and are accessible

⁵ Trade facilitating measures could include, *inter alia*, 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.

through a hyperlink in the notification format.⁶ Information about the provision, storage, and language of attachments to SPS notifications is contained in Annex C of these procedures.

2.4.3 Acknowledging receipt of documents

2.18. The Member requesting documents relating to a notification should acknowledge receipt of the documents provided.

2.4.4 Translation of documents

2.19. When a translation of a relevant document exists or is planned, this fact should be indicated on the WTO notification form next to the title of the document. If only a translated summary exists, the fact that such a summary is available should be similarly indicated.

2.20. If a translation of a document or summary exists in the language of the requesting Member, or, as the case may be, in the WTO working language used by the requesting Member, it should be automatically sent with the original of the document requested.

2.21. Where documents are not available in a WTO working language, developed country Members shall, upon request, supply a translation of the document, or in case of voluminous documents, a translation of a summary of the document, in a WTO working language in accordance with paragraph 8 of Annex B of the SPS Agreement.

2.22. When a Member seeks a copy of a document relating to a notification which does not exist in that Member's WTO working language, the notifying Member should advise the requesting Member of other Members that have requested, as of that date, a copy of the document. The Member seeking a copy of a document relating to a notification may contact other Members in order to determine whether the latter are prepared to share any translation that they have or will be making.

2.23. Any Member possessing an unofficial translation of a document relating to a notification should inform the notifying Member of the existence of the unofficial translation and should submit to the Secretariat a supplement to the original notification submitted by a Member. The supplement should indicate the address for requesting a copy or the website address where the unofficial translation can be found. The format of the supplement can be found in Annex D of these procedures. Neither the Secretariat nor the Member providing the unofficial translation can be held responsible for the accuracy or quality of these translations.⁷

2.5 Handling of comments on notifications

2.24. Each Member should notify the WTO Secretariat of the authority or agency (e.g. its National Notification Authority) which it has designated to be in charge of handling comments received, and of any change and/or modification of such authority or agency.

2.25. Members submitting comments on a notified draft regulation should provide them without unnecessary delay to the authority designated to handle the comments, or to the National Notification Authority if no other designation is made.

2.26. A Member receiving comments through the designated body should, without further request:

- i. acknowledge the receipt of such comments;
- ii. explain within a reasonable period of time, and at the earliest possible date before the adoption of the measure, to any Member from which it has received comments, how it will take these comments into account and, where appropriate, provide additional relevant information on the proposed sanitary or phytosanitary regulations concerned;
- iii. provide to any Member from which it has received comments, a copy of the corresponding sanitary or phytosanitary regulations as adopted or information that no corresponding sanitary or phytosanitary regulations will be adopted for the time being.

⁶ See G/SPS/GEN/818.

⁷ See G/SPS/GEN/487 for further information on this mechanism.

2.27. A Member receiving comments through the designated body may consider making available to other Members, where possible, non-confidential comments and questions it has received and answers it has provided, or summaries thereof, preferably via electronic means.

2.28. Members should grant requests for extension of the comment period wherever practicable, in particular with regard to notifications relating to products of particular interest to developing country Members, where there have been delays in receiving and translating the relevant documents or where there is a need for further clarification of the measure notified. A 30-day extension should normally be provided and notified to the WTO (see section below on Addenda).

2.29. Members are also encouraged to use the "Procedure to Enhance Transparency of Special and Differential Treatment in Favour of Developing Country Members" (G/SPS/33/Rev.1).⁸

2.6 Addenda, revisions and corrigenda

2.30. 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 on the addendum if the final regulation has been substantially modified from the notified proposal;
- 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.

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

2.6.1 Addenda

2.32. Members should notify changes in the status of a notified SPS regulation. The issuance of an addendum allows Members to track the status of an SPS regulation via its unique notification number. Addenda to SPS notifications should be made in a number of circumstances, such as:

- if the comment period has been extended;
- when a proposed regulation is either adopted, published or comes into force, if the relevant dates have not been provided in the original notification or have been changed. Members are strongly encouraged to follow this recommendation and inform other Members in a timely manner. A Member may wish to indicate on the addendum if the final regulation has been substantially modified from the notified proposal;
- if the content of a previously notified draft regulation is partially changed, or if the scope of application of the existing notification is modified, either in terms of Members affected or products covered. Such an addendum should provide for a new 60-day comment period unless the notified change is of a trade-facilitating nature or is negligible. Where domestic regulatory mechanisms allow, the 60-day comment period should normally begin with the circulation of the notification by the WTO Secretariat;
- if a proposed regulation is withdrawn;
- in the case of an emergency notification, an addendum should also be submitted if the period of application of the existing notification is extended.

2.33. An addendum should:

- i. briefly recap what was notified, when and what it was about - this is a practical requirement, and reduces the need for Members to have to go back to the original notification to check what it was about;
- ii. specify what change has been made and why - briefly state why the information, dates, etc. have been changed; and
- iii. restate the comments deadline, even if it has not been changed - as a reminder to Members that if they wish to comment it must be done by this date.

2.34. A form for making an addendum is available in Annex A-2 of these procedures for regular notifications and in Annex B-2 for notifications of emergency measures.

⁸ See Section 2.9 for more information on S&D notifications.

2.6.2 Revisions

2.35. Revisions replace an existing notification. Revisions should be submitted, for example, if a notified draft regulation was substantially redrafted or if a notification contained a large number of errors. A Member should provide a further period for comments on the revised notification, normally 60 calendar days, unless the notified change is of a trade-facilitating nature or would have a negligible effect on trade. Where domestic regulatory mechanisms allow, the 60-day comment period should normally begin with the circulation of the revised notification by the WTO Secretariat.

2.36. A form for making a revision is available in Annex A-3 of these procedures for regular notifications and Annex B-3 for notifications of emergency measures.

2.6.3 Corrigenda

2.37. Members should inform the Secretariat of any error(s) contained in their original notification. The Secretariat will issue a corrigendum accordingly.

2.38. A form for making a corrigendum is available in Annex A-4 of these procedures for regular notifications and Annex B-4 for notifications of emergency measures.

2.7 Regulations that contain both SPS and TBT measures

2.39. When a regulation contains both SPS and TBT measures, it should be notified according to both the SPS and TBT Agreements, preferably with an indication of which parts of the regulation fall under the SPS Agreement (e.g., a food safety measure) and which parts fall under the TBT Agreement (e.g., quality or compositional requirements).

2.8 Notification of determination of the recognition of equivalence of sanitary or phytosanitary measures⁹

2.40. In accordance with the Decision on Equivalence (G/SPS/19/Rev.2), a Member which has made a determination recognizing the equivalence of sanitary or phytosanitary measures of another Member or Members shall notify other Members through the Secretariat of the measure(s) recognized to be equivalent and of the products affected by this recognition.

2.41. For the purposes of this notification, equivalence is defined to be the state wherein sanitary or phytosanitary measures applied in an exporting Member, though different from the measures applied in an importing Member, achieve, as demonstrated by the exporting Member and recognized by the importing Member, the importing Member's appropriate level of sanitary or phytosanitary protection. A determination of the recognition of equivalence may be with respect to a specific measure or measures related to a certain product or categories of products, or on a systems-wide basis.

2.42. Notification should also be made of significant variations to existing equivalence arrangements, including their suspension or rescission.

2.43. See Annex E of these procedures for further information on the format for the notification of determination of the recognition of equivalence of sanitary or phytosanitary measures.

2.9 Notification of Special and Differential Treatment (S&D Notification)

2.44. In accordance with the Decision on Special and Differential Treatment (G/SPS/33/Rev.1), when an importing Member decides on whether and how special and differential treatment may be provided in response to a specific request, that Member should inform the SPS Committee.

⁹ At its meeting of 25-26 June 2002, the Committee adopted a format and recommended procedures for the notification of determination of the recognition of equivalence of sanitary or phytosanitary measures which can be found in G/SPS/7/Rev.2/Add.1. This document was incorporated into the previous Revision (G/SPS/7/Rev.3).

2.45. This may be done in writing and/or under the agenda item on Special and Differential Treatment at any meeting of the SPS Committee. Information provided in writing should be submitted to the WTO Secretariat as an addendum to the original notification concerning the measure. The addendum shall indicate: (1) the name(s) of Member(s) that requested special and differential treatment; (2) if special and differential treatment was provided, the form of such treatment; and (3) if not provided, the addendum shall indicate why special and differential treatment was not provided and whether technical assistance or any other solution was found to address the identified concern.

2.46. A form for making an S&D notification as an addendum to the original notification is available in Annex A-5 of these procedures.

2.10 Completed notifications

2.47. Notifications should be submitted, preferably by using the SPS NSS platform (<http://nss.wto.org/spsmembers>) or by e-mail from the National Notification Authority to the Central Registry of Notifications (CRN) at the WTO. The e-mail address is: crn@wto.org.

2.48. Electronic copies of all notification formats can be downloaded from the WTO website at: http://www.wto.org/english/tratop_e/sps_e/sps_e.htm.

2.49. Members may submit electronic copies, in PDF format, of proposed regulations along with the corresponding notifications to the WTO Secretariat. These texts will be accessible, in the format and language provided, through a hyperlink in the notification format (see paragraph 22).

2.50. In addition, Members are encouraged to provide a website address or a specific hyperlink, if available, for the relevant documents in the appropriate section of the notification format.

2.10.1 SPS Notification Submission System (SPS NSS)

2.51. The SPS NSS (<http://nss.wto.org/spsmembers>) 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 the WTO Secretariat, making notifications accessible to the Membership much more rapidly.

2.52. Contact the Secretariat (spscommittee@wto.org) to request access credentials for the SPS NSS.

3 GUIDELINES FOR NATIONAL ENQUIRY POINTS

3.1. The National Enquiry Point system established in paragraph 3 of Annex B of the SPS Agreement is an effective avenue for obtaining information regarding SPS systems and measures from other Members.

3.2. The National Enquiry Point handles on a routine basis:

- document and information requests;
- general enquiries; and
- delivery and charging of documents.

3.3. National Enquiry Points should also provide, upon request, information on participation in any bilateral or multilateral equivalence agreements and arrangements in accordance with paragraph 3(d) of Annex B of the SPS Agreement.

3.4. While the mode of delivery is at the discretion of the Member concerned, it is recommended that delivery of documents should be by the fastest means possible. In the first instance, if the Member has such facilities, the documents should be made accessible through a website or sent by e-mail or by fax. Alternatively, a Member can send the documents by post or via a requesting Member's diplomatic mission in their territory.

3.5. A Member may only charge the same cost for the documents as it would for its own nationals plus the cost of delivering the documents in accordance with paragraph 4 of Annex B of the SPS Agreement.

3.6. Members should also refer to the guidelines on transparency contained in the handbook *Practical Manual for SPS National Notification Authorities and SPS National Enquiry Points (2018 Edition)*, when notifying regulations and operating National Enquiry Points in accordance with Article 7 and Annex B of the SPS Agreement.¹⁰

4 PUBLICATION OF REGULATIONS

4.1. The publication of regulations is a fundamental component of transparency under the SPS Agreement. This is a general obligation on Members, and does not relate specifically to the work of either the National Notification Authority or National Enquiry Point.

4.2. In accordance with paragraphs 1 and 2 of Annex B of the SPS Agreement, Members are obliged to:

- i. ensure that all SPS regulations which have been adopted are published promptly in such a manner as to enable interested Members to become acquainted with them. Regulations to be published include laws, decrees or ordinances which are applicable generally;
- ii. except in urgent circumstances, allow a reasonable interval between the publication of a sanitary or phytosanitary regulation and its entry into force in order to allow time for producers in exporting Members and particularly in developing country Members, to adapt their products and methods of production to the requirements of the importing Member.

4.3. As agreed in the Doha Decision on Implementation-Related Issues and Concerns (WT/MIN(01)/17, paragraph 3.2):

Subject to the conditions specified in paragraph 2 of Annex B to the Agreement on the Application of Sanitary and Phytosanitary Measures, the phrase "reasonable interval" shall be understood to mean normally a period of not less than 6 months. It is understood that timeframes for specific measures have to be considered in the context of the particular circumstances of the measure and actions necessary to implement it. The entry into force of measures which contribute to the liberalization of trade should not be unnecessarily delayed.

4.4. The reasonable interval specified above between the publication and entry into force of new regulations should be provided, including when these are based on, conform to, or are substantially the same as an international standard, guideline, or recommendation.

4.5. Members are encouraged to publish SPS regulations on the Internet where possible. Publication on the Internet has a number of advantages and benefits to Members over more traditional methods. It:

- i. allows for greater transparency;
- ii. makes it easier for Members to obtain documents; and
- iii. reduces the amount of work involved in processing and fulfilling document requests.

5 ACCESS TO INTERNATIONAL ELECTRONIC RESOURCES RELATED TO SPS NOTIFICATIONS AND OTHER SPS INFORMATION

5.1. There are a number of international resources on the Internet which could facilitate Members' access to SPS-related information. These include the WTO Secretariat's Documents Online Facility (<http://docs.wto.org>) and SPS Information Management System (SPS IMS) (<http://spsims.wto.org>).

5.2. Members are encouraged to provide the WTO Secretariat up-to-date information regarding SPS-related websites within their territory for inclusion on the WTO's SPS webpage.

¹⁰ Available at: <http://www.wto.org/spstransparency>.

5.3. ePing (<http://www.epingalert.org>) is a publically available SPS & Technical Barriers to Trade (TBT) notification alert system. Subscribers are able to receive e-mail alerts regarding SPS & TBT notifications covering particular products or markets of interest to them. In addition, users can search and share notifications, upload additional information and related documents, as well as participate in discussion forums. ePing also offers an Enquiry Point Management Tool to facilitate both domestic and international information sharing and discussion.

ANNEX A-1: REGULAR NOTIFICATIONS**COMPLETION OF FORMATS - REGULAR NOTIFICATIONS
(ANNEX B, PARAGRAPH 5 OF THE SPS AGREEMENT)**

Information contained in the notifications should be as complete as possible and no section should be left blank. Where necessary, "Not known." or "Not stated." should be indicated.

Item	Description
1. Member notifying	Government, including the competent authorities of the European Union, which is making the notification.
2. Agency responsible	Body elaborating a proposal for or promulgating a sanitary or phytosanitary regulation.
3. Products covered	Tariff item number(s) (normally HS, chapter or heading and number) as contained in national schedules deposited with the WTO. ICS numbers should be provided in addition, where applicable. A clear description is important for an understanding of the notification by delegations and translators. Abbreviations should be avoided.
4. Regions or countries likely to be affected	The geographical regions or countries likely to be affected by the notified regulation should be identified to the extent relevant or practicable. Members are encouraged to be as specific as possible in identifying regions or countries likely to be affected.
5. Title, language and number of pages of the notified document	Title of the proposed or adopted (in the case of late submissions) sanitary or phytosanitary regulation. Number of pages in the notified document. Languages in which the notified document is available. If a translation of the whole document or its summary exists, indicate this here. If a Member submits the text of the draft regulation or a summary or translation thereof in PDF format along with the notification, the WTO Secretariat will facilitate access to this text through a hyperlink in the notification format.
6. Description of content	A summary of the proposed or adopted (in the case of late submissions) sanitary or phytosanitary regulation clearly indicating its content and health protection objective. The summary should be as complete and accurate as possible to allow the full understanding of the proposed regulation. To the extent possible, likely effects on trade should be described. Abbreviations should be avoided. Where practicable it should also include an outline of the specific sanitary measures the regulation will apply. The summary should enable trading partners to determine whether the notified measure is likely to have an impact on products they wish to export to the notifying Member. When a regulation contains both SPS and TBT measures, it should be notified according to both the SPS and TBT Agreements, preferably with an indication of which parts of the regulation fall under the SPS Agreement and which parts fall under the TBT Agreement.
7. Objective and rationale	State whether objective is: protection of human health from food-borne risks; or protection of human health from plant- or animal-carried diseases; or protection of animal health from pests or diseases; or protection of animal health from contaminated feed; or protection of plant health from pests or diseases; or prevention of other damage from entry, establishment or spread of pests.

Item	Description
8. Existence of international standard, guideline or recommendation	If a relevant international standard, guideline or recommendation exists, put a cross in the box provided for the appropriate standard-setting organization and give the appropriate reference of the existing standard, guideline or recommendation, e.g., Codex standard number, ISPM number, OIE Code chapter. Indicate whether the proposed regulation conforms to the relevant international standard and if not, describe, whenever possible, how and why the proposed regulation deviates from the international standard, guideline or recommendation. If no international standard, guideline or recommendation exists, put a cross in the box "None".
9. Other relevant documents and language(s) in which these are available	Documents referenced here are different from those listed in box 5. Documents which should be referenced include: (a) Publication where notice of the proposed regulation appears, including date and reference numbers; (b) Proposal and basic document to which proposal refers (with specific reference number or other identification), and the language(s) in which the notified documents and any summary of these are available; (c) Publication in which proposal will appear when adopted. If it is necessary to charge for documents supplied, the amount of the charge should be indicated. Provide the website address and hyperlink for these documents where available. If a Member submits texts of referenced documents in PDF format along with the notification to the WTO Secretariat, hyperlinks to these texts will be made available under this item.
10. Proposed date of adoption and of publication	The date when the sanitary or phytosanitary regulation is expected to be adopted. Also provide where possible the proposed date of publication of the final measure if this differs from the date of adoption.
11. Proposed date of entry into force	The date from which the requirements in the regulation are proposed or decided to enter into force shall normally be at least six months following the above date of adoption and/or publication. Where appropriate, Members should accord longer time-frames for compliance on products of interest to developing country Members. This shall normally be a period of not less than six months.¹ Put a cross in the box if the proposed measure contributes to the liberalization of trade. In this case, the implementation of the measure should not be unnecessarily delayed and no comment period need be provided.
12. Final date for comments and agency or authority handling comments	The date by which Members may submit comments in accordance with Annex B, paragraph 5(b) of the SPS Agreement. A Member should normally allow a period of at least sixty calendar days for comments. Check the box if this is 60 calendar days following the date of circulation of the notification as a WTO document; the Secretariat will indicate the corresponding date. If not, a specific date should be indicated. Any Member which is able to provide a time limit beyond 60 days is encouraged to do so. The agency or authority which has been designated to handle the comments should be indicated. If this is the National Notification Authority or the National Enquiry Point, put a cross in the box provided. If another agency or authority has been designated, provide its name, address, fax and e-mail address. For proposed measures which facilitate trade or those which are substantially the same as an international standard, guideline or recommendation, Members may reduce or eliminate the period for receiving comments.

¹ Doha Decision on Implementation-Related Issues and Concerns (WT/MIN/(01)/17, paragraph 3.1).

Item	Description
13. Texts available from	If available from the National Notification Authority or the National Enquiry Point, put a cross in the respective box. If available from another body, give its address, fax number and e-mail address. Such indications do not in any way discharge the relevant National Enquiry Point of its responsibilities under the provisions of Annex B, paragraphs 3 and 4 of the SPS Agreement. Provide the website address and specific hyperlink of the document notified, if available. If a Member submits the text of the draft regulation in PDF format along with the notification, a hyperlink to this text will be made available under this item.



WORLD TRADE
ORGANIZATION

G/SPS/N/ISO COUNTRY CODE/#

DateDistribution

(00-0000)

Page: 1/2

Committee on Sanitary and Phytosanitary Measures

Original: Language

NOTIFICATION

1.	Notifying Member: <u>SPS1A</u> If applicable, name of local government involved: sps1b
2.	Agency responsible: sps2a
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): sps3a
4.	Regions or countries likely to be affected, to the extent relevant or practicable: [sps4b] All trading partners sps4bbis [sps4abis] Specific regions or countries: sps4a
5.	Title of the notified document: sps5a. Language(s): sps5b. Number of pages: sps5c sps5d
6.	Description of content: sps6a
7.	Objective and rationale: [sps7a] food safety, [sps7b] animal health, [sps7c] plant protection, [sps7d] protect humans from animal/plant pest or disease, [sps7e] protect territory from other damage from pests. sps7f
8.	Is there a relevant international standard? If so, identify the standard: [sps8a] Codex Alimentarius Commission (e.g. title or serial number of Codex standard or related text): sps8atext [sps8b] World Organization for Animal Health (OIE) (e.g. Terrestrial or Aquatic Animal Health Code, chapter number): sps8btext [sps8c] International Plant Protection Convention (e.g. ISPM number): sps8ctext [sps8d] None Does this proposed regulation conform to the relevant international standard? [sps8ey] Yes [sps8en] No If no, describe, whenever possible, how and why it deviates from the international standard: sps8e
9.	Other relevant documents and language(s) in which these are available: sps9a sps9b

10.	Proposed date of adoption (dd/mm/yy): sps10a Proposed date of publication (dd/mm/yy): sps10bisa
11.	Proposed date of entry into force: [sps11c] Six months from date of publication, and/or (dd/mm/yy): sps11a [sps11e] Trade facilitating measure sps11ebis
12.	Final date for comments: [sps12e] Sixty days from the date of circulation of the notification and/or (dd/mm/yy): sps12a Agency or authority designated to handle comments: [sps12b] National Notification Authority, [sps12c] National Enquiry Point. Address, fax number and e-mail address (if available) of other body: sps12d
13.	Text(s) available from: [sps13a] National Notification Authority, [sps13b] National Enquiry Point. Address, fax number and e-mail address (if available) of other body: sps13c

ANNEX A-2: REGULAR NOTIFICATIONS - ADDENDA



WORLD TRADE
ORGANIZATION

G/SPS/N/ISO COUNTRY CODE/#/Add.#

DateDistribution

(00-0000)

Page: 1/1

Committee on Sanitary and Phytosanitary Measures

Original: Language

NOTIFICATION

Addendum

The following communication, received on DateReception, is being circulated at the request of the Delegation of Member.

Title

Measure

This addendum concerns a:

- [**ModificationComment**] Modification of final date for comments
- [**Notification**] Notification of adoption, publication or entry into force of regulation
- [**ModificationContent**] Modification of content and/or scope of previously notified draft regulation
- [**Withdraw**] Withdrawal of proposed regulation
- [**ModificationDate**] Change in proposed date of adoption, publication or date of entry into force
- [**ModificationOther**] Other: ModificationOtherText

Comment period: (If the addendum extends the scope of the previously notified measure in terms of products and/or potentially affected Members, a new deadline for receipt of comments should be provided, normally of at least 60 calendar days. Under other circumstances, such as extension of originally announced final date for comments, the comment period provided in the addendum may vary.)

[**SixtyDayCirculation**] Sixty days from the date of circulation of the addendum to the notification and/or (dd/mm/yy): DateComment

Agency or authority designated to handle comments: [CommentNNA] National Notification Authority, [CommentNEP] National Enquiry Point. Address, fax number and e-mail address (if available) of other body:

CommentAddress

Text(s) available from: [TextAvailableNNA] National Notification Authority, [TextAvailableNEP] National Enquiry Point. Address, fax number and e-mail address (if available) of other body:

TextSupplierAddress

ANNEX A-3: REGULAR NOTIFICATIONS - REVISIONS

WORLD TRADE
ORGANIZATION

G/SPS/N/ISO COUNTRY CODE/#/Rev.#

DateDistribution

(00-0000)

Page: 1/2

Committee on Sanitary and Phytosanitary Measures

Original: Language

NOTIFICATION*Revision*

1.	Notifying Member: <u>SPS1A</u> If applicable, name of local government involved: sps1b
2.	Agency responsible: sps2a
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): sps3a
4.	Regions or countries likely to be affected, to the extent relevant or practicable: [sps4b] All trading partners sps4bbis [sps4abis] Specific regions or countries: sps4a
5.	Title of the notified document: sps5a. Language(s): sps5b. Number of pages: sps5c sps5d
6.	Description of content: sps6a
7.	Objective and rationale: [sps7a] food safety, [sps7b] animal health, [sps7c] plant protection, [sps7d] protect humans from animal/plant pest or disease, [sps7e] protect territory from other damage from pests. sps7f
8.	Is there a relevant international standard? If so, identify the standard: [sps8a] Codex Alimentarius Commission (e.g. title or serial number of Codex standard or related text): sps8atext [sps8b] World Organization for Animal Health (OIE) (e.g. Terrestrial or Aquatic Animal Health Code, chapter number): sps8btext [sps8c] International Plant Protection Convention (e.g. ISPM number): sps8ctext [sps8d] None Does this proposed regulation conform to the relevant international standard? [sps8ey] Yes [sps8en] No If no, describe, whenever possible, how and why it deviates from the

international standard: sps8e	
9.	Other relevant documents and language(s) in which these are available: sps9a sps9b
10.	Proposed date of adoption (dd/mm/yy): sps10a Proposed date of publication (dd/mm/yy): sps10bisa
11.	Proposed date of entry into force: [sps11c] Six months from date of publication, and/or (dd/mm/yy): sps11a [sps11e] Trade facilitating measure sps11ebis
12.	Final date for comments: [sps12e] Sixty days from the date of circulation of the notification and/or (dd/mm/yy): sps12a Agency or authority designated to handle comments: [sps12b] National Notification Authority, [sps12c] National Enquiry Point. Address, fax number and e-mail address (if available) of other body: sps12d
13.	Text(s) available from: [sps13a] National Notification Authority, [sps13b] National Enquiry Point. Address, fax number and e-mail address (if available) of other body: sps13c

ANNEX A-4: REGULAR NOTIFICATIONS - CORRIGENDA

WORLD TRADE
ORGANIZATION

G/SPS/N/ISO COUNTRY CODE/#/Corr.#

DateDistribution

(00-0000)

Page: 1/1

Committee on Sanitary and Phytosanitary Measures

Original: Language

NOTIFICATION*Corrigendum*

The following communication, received on DateReception, is being circulated at the request of the Delegation of Member.

Title

Measure

Text(s) available from: [TextAvailableNNA] National Notification Authority, [TextAvailableNEP] National Enquiry Point. Address, fax number and e-mail address (if available) of other body:

TextSupplierAddress

ANNEX A-5: REGULAR NOTIFICATIONS - SPECIAL AND DIFFERENTIAL TREATMENT



WORLD TRADE
ORGANIZATION

G/SPS/N/ISO COUNTRY CODE/#/Add.#

DateDistribution

(00-0000)

Page: 1/1

Committee on Sanitary and Phytosanitary Measures

Original: Language

NOTIFICATION

Addendum

The following communication, received on DateReception, is being circulated at the request of the Delegation of Member.

Title

Measure

Special and Differential Treatment

(1) Name(s) of Member(s) that requested special and differential treatment:
MembersRequested

(2) Special and differential treatment provided [IsTreatmentProvided] Yes
[IsTreatmentProvidedNo] No

Describe how such treatment was provided, including what form it took.

TreatmentProvided

(3) If special and differential treatment was not provided, indicate why it was not provided and whether technical assistance or any other solution was found to address the identified concern.

OtherSolution

Text(s) available from: [TextAvailableNNA] National Notification Authority, [TextAvailableNEP] National Enquiry Point, or address, fax number and e-mail address (if available) of other body:

TextSupplierAddress

ANNEX B-1: EMERGENCY NOTIFICATIONS**COMPLETION OF FORMATS - EMERGENCY NOTIFICATIONS
(ANNEX B, PARAGRAPH 6 OF THE SPS AGREEMENT)**

Information contained in the notification form should be as complete as possible and no section should be left blank. Where necessary, "Not known." or "Not stated." should be indicated.

Item	Description
1. Member notifying	Government, including the competent authorities of the European Union, which is making the notification.
2. Agency responsible	Body elaborating a proposal for or promulgating a sanitary or phytosanitary regulation.
3. Products covered	Tariff item number(s) (normally HS, chapter or heading and number) as contained in national schedules deposited with the WTO. ICS numbers should be provided in addition, where applicable. A clear description is important for an understanding of the notification by delegations and translators. Abbreviations should be avoided.
4. Regions or countries likely to be affected	The geographical regions or countries likely to be affected by the notified regulation should be identified to the extent relevant or practicable. Members are encouraged to be as specific as possible in identifying regions or countries likely to be affected.
5. Title, language and number of pages of the notified document	Title of the proposed or adopted (in the case of late submissions) sanitary or phytosanitary regulation. Number of pages in the notified document. Languages in which the notified document is available. If a translation of the whole document or its summary exists, indicate this here. If a Member submits the text of the draft regulation or a summary or translation thereof in PDF format along with the notification, the WTO Secretariat will facilitate access to this text through a hyperlink in the notification format.
6. Description of content	A summary of the proposed or adopted sanitary or phytosanitary regulation clearly indicating its content and health protection objective. The summary should be as complete and accurate as possible to allow the full understanding of the proposed regulation. To the extent possible, likely effects on trade should be described. Abbreviations should be avoided. Where practicable it should also include an outline of the specific sanitary measures the regulation will apply. The summary should enable trading partners to determine whether the notified measure is likely to have an impact on products they wish to export to the notifying Member. When a regulation contains both SPS and TBT measures, it should be notified according to both the SPS and TBT Agreements, preferably with an indication of which parts of the regulation fall under the SPS Agreement and which parts fall under the TBT Agreement.
7. Objective and rationale	State whether objective is: protection of human health from food-borne risks; or protection of human health from plant- or animal-carried diseases; or protection of animal health from pests or diseases; or protection of animal health from contaminated feed; or protection of plant health from pests or diseases; or prevention of other damage from entry, establishment or spread of pests.
8. Nature of urgent problem(s) and reason for urgent action	Indication of the underlying reasons for resorting to emergency action, e.g., incursion of pests associated with imports, outbreak of a disease in supplying areas, etc.

Item	Description
9. Existence of international standard, guideline or recommendation	If a relevant international standard, guideline or recommendation exists, put a cross in the box provided for the appropriate standard-setting organization and give the appropriate reference of the existing standard, guideline or recommendation, e.g., Codex standard number, ISPM number, OIE Code chapter. Indicate whether the proposed regulation conforms to the relevant international standard and if not, describe, whenever possible, how and why the proposed regulation deviates from the international standard, guideline or recommendation. If no international standard, guideline or recommendation exists, put a cross in the box "None".
10. Other relevant documents and language(s) in which these are available	Documents referenced here are different from those listed in box 5. Documents which should be referenced include: (a) Measure(s) taken and basic regulation which was modified (with specific reference number or other identification), and the language(s) in which the notified documents and any summary of these are available; (b) Publication in which regulation will appear. If it is necessary to charge for documents supplied, the amount of the charge should be indicated. Provide the website address and hyperlink for these documents where available. If a Member submits texts of referenced documents in PDF format along with the notification to the WTO Secretariat, hyperlinks to these texts will be made available under this item.
11. Date of entry into force and period of application	The date from which the requirements entered into force, and, if applicable, the period of time during which they will apply. (For example: immediate entry into force [date], duration of two months.) Put a cross in the box if the proposed measure contributes to the liberalization of trade.
12. Agency or authority handling comments	The agency or authority which has been designated to handle the comments should be indicated. If this is the National Notification Authority or the National Enquiry Point, put a cross in the box provided. If another agency or authority has been designated, provide its name, address, fax and e-mail address.
13. Texts available from	If available from the National Notification Authority or National Enquiry Point, put a cross in the respective box. If available from another body, give its address, fax number and e-mail address. Such indications do not in any way discharge the relevant National Enquiry Point of its responsibilities under the provisions of Annex B, paragraphs 3 and 4 of the SPS Agreement. Provide the website address and specific hyperlink of the document notified, if available. If a Member submits the text of the draft regulation in PDF format along with the notification, a hyperlink to this text will be made available under this item.



WORLD TRADE
ORGANIZATION

G/SPS/N/ISO COUNTRY CODE/#

DateDistribution

(00-0000)

Page: 1/2

Committee on Sanitary and Phytosanitary Measures

Original: Language

NOTIFICATION OF EMERGENCY MEASURES

1.	Notifying Member: SPS1A If applicable, name of local government involved: sps1b
2.	Agency responsible: sps2a
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): sps3a
4.	Regions or countries likely to be affected, to the extent relevant or practicable: [sps4b] All trading partners sps4bbis [sps4abis] Specific regions or countries: sps4a
5.	Title of the notified document: sps5a. Language(s): sps5b. Number of pages: sps5c sps5d
6.	Description of content: sps6a
7.	Objective and rationale: [sps7a] food safety, [sps7b] animal health, [sps7c] plant protection, [sps7d] protect humans from animal/plant pest or disease, [sps7e] protect territory from other damage from pests. sps7f
8.	Nature of the urgent problem(s) and reason for urgent action: sps8a
9.	Is there a relevant international standard? If so, identify the standard: [sps9a] Codex Alimentarius Commission (e.g. title or serial number of Codex standard or related text): sps9atext [sps9b] World Organization for Animal Health (OIE) (e.g. Terrestrial or Aquatic Animal Health Code, chapter number): sps9btext [sps9c] International Plant Protection Convention (e.g. ISPM number): sps9ctext [sps9d] None Does this proposed regulation conform to the relevant international standard? [sps9ey] Yes [sps9en] No If no, describe, whenever possible, how and why it deviates from the international standard: sps9e

10.	Other relevant documents and language(s) in which these are available: sps10a sps10b
11.	Date of entry into force (<i>dd/mm/yy</i>)/period of application (as applicable): sps11a sps11c sps11cbis sps11d [sps11e] Trade facilitating measure sps11ebis
12.	Agency or authority designated to handle comments: [sps12a] National Notification Authority, [sps12b] National Enquiry Point. Address, fax number and e-mail address (if available) of other body: sps12c
13.	Text(s) available from: [sps13a] National Notification Authority, [sps13b] National Enquiry Point. Address, fax number and e-mail address (if available) of other body: sps13c

ANNEX B-2: EMERGENCY NOTIFICATIONS - ADDENDA

WORLD TRADE
ORGANIZATION

G/SPS/N/ISO COUNTRY CODE/#/Add.#

DateDistribution

(00-0000)

Page: 1/1

Committee on Sanitary and Phytosanitary Measures

Original: Language

NOTIFICATION OF EMERGENCY MEASURES*Addendum*

The following communication, received on DateReception, is being circulated at the request of the Delegation of Member.

Title

Measure

This addendum concerns a:

- [**ModificationComment**] Modification of final date for comments
- [**ModificationContent**] Modification of content and/or scope of previously notified regulation
- [**Withdraw**] Withdrawal of regulation
- [**ModificationDate**] Change in period of application of measure
- [**ModificationOther**] Other: ModificationOtherText

Agency or authority designated to handle comments: [CommentNNA] National Notification Authority, [CommentNEP] National Enquiry Point. Address, fax number and e-mail address (if available) of other body:

CommentAddress

Text(s) available from: [TextAvailableNNA] National Notification Authority, [TextAvailableNEP] National Enquiry Point. Address, fax number and e-mail address (if available) of other body:

TextSupplierAddress

ANNEX B-3: EMERGENCY NOTIFICATIONS – REVISIONS

WORLD TRADE
ORGANIZATION

G/SPS/N/ISO COUNTRY CODE/#/Rev.#

DateDistribution

(00-0000)

Page: 1/2

Committee on Sanitary and Phytosanitary Measures

Original: Language

NOTIFICATION OF EMERGENCY MEASURES

Revision

1.	Notifying Member: <u>SPS1A</u> If applicable, name of local government involved: sps1b
2.	Agency responsible: sps2a
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): sps3a
4.	Regions or countries likely to be affected, to the extent relevant or practicable: [sps4b] All trading partners sps4bbis [sps4abis] Specific regions or countries: sps4a
5.	Title of the notified document: sps5a. Language(s): sps5b. Number of pages: sps5c sps5d
6.	Description of content: sps6a
7.	Objective and rationale: [sps7a] food safety, [sps7b] animal health, [sps7c] plant protection, [sps7d] protect humans from animal/plant pest or disease, [sps7e] protect territory from other damage from pests. sps7f
8.	Nature of the urgent problem(s) and reason for urgent action: sps8a
9.	Is there a relevant international standard? If so, identify the standard: [sps9a] Codex Alimentarius Commission (e.g. title or serial number of Codex standard or related text): sps9atext [sps9b] World Organization for Animal Health (OIE) (e.g. Terrestrial or Aquatic Animal Health Code, chapter number): sps9btext [sps9c] International Plant Protection Convention (e.g. ISPM number): sps9c [sps9d] None Does this proposed regulation conform to the relevant international standard?

[sps9ey] Yes [sps9en] No If no, describe, whenever possible, how and why it deviates from the international standard: sps9e	
10.	Other relevant documents and language(s) in which these are available: sps10a sps10b
11.	Date of entry into force (dd/mm/yy)/period of application (as applicable): sps11a sps11c sps11cbis sps11d [sps11e] Trade facilitating measure sps11ebis
12.	Agency or authority designated to handle comments: [sps12a] National Notification Authority, [sps12b] National Enquiry Point. Address, fax number and e-mail address (if available) of other body: sps12c
13.	Text(s) available from: [sps13a] National Notification Authority, [sps13b] National Enquiry Point. Address, fax number and e-mail address (if available) of other body: sps13c

ANNEX B-4: EMERGENCY NOTIFICATIONS – CORRIGENDA

WORLD TRADE
ORGANIZATION

G/SPS/N/ISO COUNTRY CODE/#/Corr.#

DateDistribution

(00-0000)

Page: 1/1

Committee on Sanitary and Phytosanitary Measures

Original: Language

NOTIFICATION OF EMERGENCY MEASURES*Corrigendum*

The following communication, received on DateReception, is being circulated at the request of the Delegation of Member.

Title

Measure

Text(s) available from: [TextAvailableNNA] National Notification Authority, [TextAvailableNEP] National Enquiry Point. Address, fax number and e-mail address (if available) of other body:

TextSupplierAddress

ANNEX C: FACILITY TO ACCESS FULL TEXTS OF NOTIFIED REGULATIONS

ATTACHMENTS SUBMITTED TOGETHER WITH WTO SPS NOTIFICATIONS

Guidelines

1 GENERAL

- (a) An "attachment" is a draft regulatory text or a translation or a summary thereof referred to in a WTO SPS notification.
- (b) An attachment will not be considered as a WTO document.
- (c) The Secretariat cannot be held responsible for the content of attachments.

2 PROVISION OF ATTACHMENTS TO THE WTO

- (a) Attachments should be provided electronically to the Central Registry of Notifications (crn@wto.org), in conjunction with the corresponding WTO SPS notification.
- (b) Attachments will not be scanned by the WTO Secretariat if submitted in hard copy.
- (c) Attachments should be provided in PDF format only. Notifications should continue to be submitted in Word.
- (d) Individual attachments should not exceed 4MB in size; multiple attachments may be provided.

3 STORAGE OF ATTACHMENTS

- (a) Attachments will be stored on a WTO central server.
- (b) Attachments stored on the WTO central server will be viewable online by clicking on the hyperlink in the notification form.
- (c) Attachments can also be downloaded directly by the user.
- (d) Attachments will not be circulated in hard copy form.

4 LANGUAGE OF ATTACHMENTS

- (a) Attachments may be provided in their original language.
- (b) If available, Members may also provide translations.
- (c) Attachments will not be translated by the Secretariat.

ANNEX D: AVAILABILITY OF UNOFFICIAL TRANSLATIONS

WORLD TRADE ORGANIZATION
 ORGANISATION MONDIALE DU COMMERCE
 ORGANIZACIÓN MUNDIAL DEL COMERCIO

**G/SPS/N/ISO COUNTRY
 CODE/ #/Suppl.#**

DateDistribution

(00-0000)

Page: 1/1

Committee on Sanitary and Phytosanitary Measures**AVAILABILITY OF TRANSLATIONS****NOTE BY THE SECRETARIAT***Supplement*

The Secretariat has been informed that an unofficial translation into language of the document referenced in this notification is available for consultation at:

html address.

Comité des mesures sanitaires et phytosanitaires**TRADUCTIONS DISPONIBLES****NOTE DU SECRÉTARIAT***Supplément*

Le Secrétariat a été informé qu'une traduction non officielle en langue du document auquel renvoie la présente notification pouvait être consultée à l'adresse suivante:

adresse html.

Comité de Medidas Sanitarias y Fitosanitarias**ACCESO A TRADUCCIONES****NOTA DE LA SECRETARÍA***Suplemento*

Se ha comunicado a la Secretaría que en la dirección:

dirección html

se puede consultar una traducción no oficial al idioma del documento a que se hace referencia en la presente notificación.

ANNEX E: NOTIFICATION OF RECOGNITION OF EQUIVALENCE

RECOMMENDED PROCEDURES FOR THE COMPLETION OF THE NOTIFICATION FORMAT

In accordance with the Decision on Equivalence (G/SPS/19/Rev.2), a Member which has made a determination recognizing the equivalence of sanitary or phytosanitary measures of another Member or Members shall notify other Members through the Secretariat of the measure(s) recognized to be equivalent and of the products affected by this recognition.

For the purposes of this notification, equivalence is defined to be the state wherein sanitary or phytosanitary measures applied in an exporting Member, though different from the measures applied in an importing Member, achieve, as demonstrated by the exporting Member and recognized by the importing Member, the importing Member's appropriate level of sanitary or phytosanitary protection. A determination of the recognition of equivalence may be with respect to a specific measure or measures related to a certain product or categories of products, or on a systems-wide basis.

Notification should also be made of significant variations to existing equivalence arrangements, including their suspension or rescission.

Item	Description
1. Member notifying	Government, including the competent authorities of the European Union, which is making the notification.
2. Title of the text stating determination of the recognition of equivalence	Title of any formal or informal agreement, Memorandum of Understanding or other document establishing the determination of recognition of equivalence.
3. Parties involved	Name of the exporting Member or Members whose measure has been determined to be equivalent.
4. Date of entry into force of the determination of the recognition of equivalence and any associated procedures or regulations	Date from which procedures, regulations or other measures based on the determination of recognition of equivalence took effect.
5. Products covered (HS or ICS where applicable, otherwise national tariff heading)	Tariff item number(s) (normally HS, chapter or heading and number) as contained in national schedules deposited with the WTO of the product(s) which are imported on the basis of the determination of the recognition of equivalence.
6. Brief description of the measure(s) recognized to be equivalent	Clearly indicate the nature of the recognition of equivalence, including which measure(s) of the exporting Member have been determined to be equivalent and which elements of the importing Member's usual requirements are met by these equivalent measures.
7. Further information available from	The agency or authority from which an interested Member may request further information regarding the specific determination of equivalence being notified. If this is the National Enquiry Point, check the box provided. If available from another body, give its address, fax number and e-mail address. Provide the website address of the document, if available.



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(00-0000)

Page: 1/1

Committee on Sanitary and Phytosanitary Measures

Original: Language

NOTIFICATION OF DETERMINATION OF THE RECOGNITION OF EQUIVALENCE OF SANITARY OR PHYTOSANITARY MEASURES

The following notification of determination of the recognition of equivalence has been received.

1.	Member notifying: 1A
2.	Title of the text stating the determination of the recognition of equivalence: 2a
3.	Parties involved: 3a
4.	Date of entry into force of the determination of the recognition of equivalence and any associated procedures or regulations: 4a 4b
5.	Products covered (HS or CCCN where applicable, otherwise national tariff heading): 5a
6.	Description of measures recognized to be equivalent: 6a
7.	Further information available from: [7b] National Enquiry Point [7c] Other (specify) 7a

ANNEX 3

Procedure to enhance Transparency of Special and Differential Treatment in Favour of Developing Country Members – G/SPS/33/Rev.1

Committee on Sanitary and Phytosanitary Measures

PROCEDURE TO ENHANCE TRANSPARENCY OF SPECIAL AND DIFFERENTIAL TREATMENT IN FAVOUR OF DEVELOPING COUNTRY MEMBERS

Decision by the Committee¹

Revision

The Committee on Sanitary and Phytosanitary Measures ("the Committee"),

Recalling that paragraph 1 of Article 10 of the Agreement on the Application of Sanitary and Phytosanitary Measures ("the Agreement") states that in the preparation and application of sanitary or phytosanitary measures, Members shall take account of the special needs of developing country Members, and in particular of the least-developed country Members;

Seeking to develop effective, concrete and operational means to facilitate the implementation of this provision;

Recognizing the difficulties that Members, and in particular developing country and least-developed country Members, may face in adapting their products and methods of production to new or changed requirements of importing Members;

Recognizing also the need to make transparency procedures more effective and operational for developing country Members, and in particular least-developed country Members;²

Noting that the provision of technical assistance, as referred to in Article 9 of the Agreement, may assist Members adapt their products and methods of production to new or changed requirements;

Recalling that paragraph 2 of Article 9 of the Agreement indicates that where substantial investments are required in order for an exporting developing country Member to fulfil the sanitary or phytosanitary requirements of an importing Member, the latter shall consider providing such technical assistance as will permit the developing country Member to maintain and expand its market access opportunities for the product involved;

¹ At its meeting of 28-29 October 2009, the Committee adopted this revision on an ad referendum basis. Members who objected to the adoption of the revision were asked to make this known by 16 December 2009. No objections were raised by that date.

² Developing country Members may request assistance to ensure the effective functioning of a National Notification Authority and Enquiry Point, including the capacity to effectively receive and review the notifications of other Members, in order to identify and react to those which may have a potential significant effect on their international trade. The "mentoring" procedure for assisting Members in the implementation of the transparency provisions of the SPS Agreement may also be useful in this regard (see G/SPS/W/217).

Recalling that the Committee's regular agenda items on the "Implementation of Special and Differential Treatment" and on the "Operation of Transparency Provisions" provide opportunities, on an on-going basis, for raising concerns or assessing progress with respect to the implementation of the procedure to enhance transparency of special and differential treatment in favour of developing country Members;

Encourages Members to make full use of this procedure and thereby to also contribute to enhanced transparency with respect to special and differential treatment and/or technical assistance being offered or provided upon request; and

Decides that the following procedure should be used to enhance transparency of special and differential treatment in favour of developing country Members:

1. This procedure to enhance transparency of special and differential treatment in favour of developing country Members should normally be used during the comment period following the circulation of an SPS notification in accordance with the relevant provisions and procedures contained in the Agreement or subsequently adopted by Members, except as provided in Step 5 below.³

Steps for proposed measures

2. If an exporting developing country Member identifies significant difficulties with a proposed measure that has been notified, that Member may, in the comments it submits in writing to the notifying Member, request an opportunity to discuss the issue of concern with the notifying Member. The exporting developing country Member should identify to the notifying Member the specific problems that the proposed measure may create for its exports, or the specific reasons why it is unable to comply with the notified measure by the implementation date.

3. In response to such a request, where the appropriate level of sanitary and phytosanitary protection allows scope for the phased introduction of the new measure, a longer time-frame for compliance should be accorded to developing country Members, which shall be understood to mean normally a period of not less than six months.⁴

4. Where the appropriate level of sanitary and phytosanitary protection does not allow scope for the phased introduction of a new measure, the Member notifying the measure shall, upon such request, enter into consultations with the exporting Member with a view to finding a mutually satisfactory solution to the problem while continuing to achieve the importing Member's appropriate level of protection.⁵ Such consultations shall preferably take place prior to the entry into force of the new measure. A possible resolution of the concern identified could include one of the following, or a combination thereof: (1) a change in the proposed measure; (2) the provision of technical assistance to the exporting developing country Member; or (3) the provision of special and differential treatment.

³ In particular, Article 7 and Annex B of the Agreement, and the Recommended Procedures for Implementing the Transparency Obligations of the SPS Agreement (Article 7) contained in G/SPS/7/Rev.3. In addition, the Procedural Step-by-Step Manual for SPS National Notification Authorities and SPS National Enquiry Points can assist Members in meeting the obligations and following the recommended procedures (available electronically at: http://www.wto.org/english/res_e/booksp_e/sps_procedure_manual_e.pdf). These texts also provide information regarding the availability of SPS notifications, including through the SPS Information Management System (<http://spsims.wto.org>).

⁴ Ibid.

⁵ WT/MIN(01)/17, paragraph 3.1. This step may also be used where the phased introduction of a measure will not resolve the specific problems identified by the exporting developing country Member.

Steps following entry into force of a new measure

5. If, following the adoption or entry into force of a new or modified measure (including an emergency measure), an exporting developing country Member identifies significant difficulties which its exports face in complying with the measure, it may request an opportunity to discuss its difficulties with the importing Member to attempt to resolve the issue of concern, especially where no time, or an insufficient period of time, had been provided for the submission of comments prior to the implementation of the measure. The importing Member shall, upon such request from an exporting developing country Member, enter into consultations with the exporting Member to discuss possible means to address the identified problem while continuing to achieve the importing Member's appropriate level of protection. A possible resolution of the concern identified could include one of the following, or a combination thereof: (1) a change in the measure; (2) the provision of technical assistance to the exporting developing country Member; or (3) the provision of special and differential treatment.

Transparency

6. When an importing Member decides on whether and how special and differential treatment may be provided in response to a specific request, that Member should inform the SPS Committee. This may be done in writing and/or under the agenda item on Special and Differential Treatment at any meeting of the SPS Committee. Information provided in writing should be submitted to the WTO Secretariat as an Addendum to the original notification concerning the measure. The Addendum shall indicate: (1) the name(s) of Member(s) that requested special and differential treatment; (2) if special and differential treatment was provided, the form of such treatment; and (3) if not provided, the Addendum shall indicate why special and differential treatment was not provided and whether technical assistance or any other solution was found to address the identified concern. A format for the Addendum is contained in the Annex.

Administration

7. The Committee shall review the implementation of this procedure, in light of the experiences of Members and relevant Addenda, as an integral part of its periodic Review of the Operation and Implementation of the Agreement under Article 12.7. The next such Review is to be completed in 2013, and every four years subsequently.

8. The Committee may decide to modify, suspend or terminate this procedure at any time, in light of the experiences of Members in its implementation.

9. This procedure is without prejudice to the rights and obligations of Members under Article 10.1 of the SPS Agreement. The Committee recognizes that this procedure does not fully resolve the issue of special and differential treatment, but that it is one step in addressing the problem of implementation of the special and differential treatment provisions of the Agreement. The Committee agrees to consider other proposals and possible actions.

ANNEX

WORLD TRADE ORGANIZATION

G/SPS/N/COUNTRY/#/Add.#
date of distribution

(##-####)

Committee on Sanitary and Phytosanitary Measures

Original:

NOTIFICATION

Addendum

The following communication, received on DD/MM/YY, is being circulated at the request of the Delegation of [Member].

Title outlining the SPS measure at issue

[Text describing any modification to the notified measure.]

Special and Differential Treatment

- (1) Name(s) of Member(s) that requested special and differential treatment
- (2) Special and differential treatment provided ☐ Yes ☐ No
Describe how such treatment was provided, including what form it took.
- (3) If special and differential treatment was not provided, indicate why it was not provided and whether technical assistance or any other solution was found to address the identified concern.

Text available from: ☐ National Notification Authority, ☐ National Enquiry Point, or address, fax number and E-mail address (if available) of other body:
