

**Guide to Writing SPS Notifications**



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Section

1

# Introduction and background

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his handbook aims to help officials who develop or approve any New Zealand sanitary or phytosanitary (SPS) measures (such as import health standards or food safety standards), to ensure that any necessary notification to the World Trade Organization (WTO) is done properly.



It covers:

* What to notify
* Whether to notify a measure
* When to notify
* How to fill out the notification template
* Responding to subsequent enquiries
* Handling submissions on notified documents.

## Background to the WTO notification system

One of the principal innovations of the SPS Agreement is a requirement for notification of SPS measures prior to them being implemented. See Appendix 1 for Annex B of the SPS Agreement.

The main advantage of the notification system is to make consultation international, by allowing other WTO Members to comment on proposed measures. Any WTO Member proposing to introduce new SPS measures is 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 make comments in writing
* discuss these comments on request
* take the comments and the results of the discussions into account
* when requested, 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 allowing some lead time before new measures must be complied with (a ‘no surprises’ approach). Members are encouraged to give 6 months’ notice before measures are put into force.

Whenever an SPS measure is questioned in the SPS committee, the first question usually asked of the country imposing the measure is whether it was notified to the WTO. Therefore it is important that New Zealand complies with its SPS transparency obligations.

## New Zealand SPS Contact Point

WTO Members must notify other Members of proposed SPS measures and allow comment (except for emergencies such as outbreaks of serious diseases). Other Members are entitled to comment, and have their submissions discussed. WTO Members under Annex B of the Agreement are required to designate a single competent authority to handle issues relating to the obligations contained within the Agreement regarding notifications.

The SPS Contact Point for New Zealand is a combination of the National Notification Authority and the National Enquiry Point and MPI is the designated authority (see Appendix 2 for the SPS Committee decision of Transparency). It is currently managed by Sally Jennings - International Policy. The role of the Contact Point is to channel information between New Zealand and its trading partners on SPS measures.

1. It passes on information about proposed New Zealand SPS measures to other Members through the WTO secretariat in Geneva.
2. It receives notifications from its counterparts in other WTO Member countries of their new SPS measures, via the WTO notifications system.

For further information contact:

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Section

2

# WTO/SPS Notifications

## Why do we notify?

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he SPS Agreement obliges New Zealand to notify any draft SPS measure that fits certain conditions. It states that **w**henever an international standard, guideline or recommendation does not exist or the content of a proposed sanitary or phytosanitary regulation is not substantially the same as the content of an international standard, guideline or recommendation, and if the regulation may have a significant effect on trade of other Members, Members shall:

* Publish a notice at an early stage in such a manner as to enable interested Members to become acquainted with the proposal to introduce a particular regulation;
* Notify other Members, through the Secretariat, of the products to be covered by the regulation together with a brief indication of the objective and rationale of the proposed regulation. Such notifications shall take place at an early stage, when amendments can still be introduced and comments taken into account;
* Provide upon request to other Members copies of the proposed regulation and, whenever possible, identify the parts which in substance deviate from international standards, guidelines or recommendations;
* Without discrimination, allow reasonable time for other Members to make comments in writing, discuss these comments upon request, and take the comments and the results of the discussions into account.

## What do we notify?

We have to notify any sanitary or phytosanitary measure applied:

* To protect animal or 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;
* To protect human or animal life or health within the territory of the Member from risks arising from additives, contaminants, toxins or disease-causing organisms in foods beverages or feedstuffs;
* To protect human life or health within the territory of the Member 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 territory of the Member from the entry, establishment or spread of pests.

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. This includes:

* end product criteria
* processes and production methods (PPMs)
* testing
* inspection
* certification and approval procedures
* quarantine treatments
* relevant requirements associated with the transport of animals or plants
* relevant requirements associated with the materials necessary for the survival of animals or plants during transport
* provisions on relevant statistical methods
* sampling procedures and methods of risk assessment
* packaging and labelling requirements directly related to food safety.

The scope of what constitutes a ‘regulation’[[1]](#footnote-1) 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).

### Will there be a significant effect on trade?

When assessing whether the SPS measure may have a significant effect on trade, the WTO requires Members to take into account a number of elements, using relevant information which is available a number of elements. These include:

* value or importance to WTO Members
* potential development of trade

This is not an exhaustive list of criteria for determining whether there is or will be a significant effect on trade, other criteria can be considered if it is thought that there may be an effect on trade. The concept of a ‘significant effect on trade’ includes both trade facilitating and trade reducing effects.

#### **Value or importance to WTO Members**

* The value or other importance of imports in respect of the importing and/or exporting WTO Member countries concerned or other WTO Members.

So this applies to all measures whether they are bilateral, plurilateral or multilateral.

#### **Potential development of the trade**



* The potential development of such imports

An assessment of the potential development of the trade for all Members and should include both value and volume.

#### **Compliance with proposed SPS measure**

* Difficulties of complying with the proposed SPS measure.

#### **New Zealand SPS Contact Point policy**

This definition of ‘significant effect on trade’ is quite broad, and the New Zealand SPS Contact Point has the policy of ‘no surprises’ approach, so we ask the question “If a country is trading with New Zealand will this new measure/regulation change anything they need to do?” If the answer is “Yes” then regardless NZ notifies. Full transparency is the best policy.

## When should a notification be made?

It is important that New Zealand makes notifications at the appropriate times. For normal measures this is at a draft stage and usually ties in with the domestic consultation period. With notifications of emergency measures, it is very important to get the notifications out without delay, so it’s recommended we make them as close as possible to the time that the measures are being entered into force.

### Routine notifications

A routine notification should be made when a draft of a proposed regulation or consultation document is available, and when amendments can still be introduced and comments taken into account. For regulations such as an import health standard, this is normally at the same time as the document goes out for public consultation within New Zealand.

The WTO SPS notification procedures require that measures are to be notified “well before the entry into force of the relevant measure”. The procedures recommend that a normal time limit for comments on notifications of at least 60 days is allowed before a measure comes into force, and New Zealand policy is that we will always provide at least 60 days.

For proposed SPS measures which facilitate trade, WTO Members may reduce or eliminate the period for receiving comments. However, it is important to note that what might be trade facilitating for one WTO Member, might still be of concern to, and warrant comment from, other Members.

### Emergency notifications

The routine consultation process can be restricted or eliminated in genuine emergencies, which the SPS Agreement defines as cases “where urgent problems of health protection arise or threaten to arise” for the WTO Member implementing the measure. Any decision on what constitutes an emergency needs to be approved by a chief technical officer.

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.

Whenever an emergency notification is made there must be an actual measure in existence for New Zealand to notify.

There is also a requirement that further work will be done to investigate other mitigating measures that could allow for the trade to recommence. What this means is a Member must review the measure within a reasonable period of time.

Section

3

# Completing a WTO/SPS Notification Template

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nce the decision has been made to notify a draft SPS measure, the next step is to complete the correct notification and submit it to the New Zealand SPS Contact Point for checking and approval for notification to the WTO. Notifications should be completed, or at least scrutinised, by someone (such as the author of the document being notified) who has a good knowledge of the measure being notified. It takes about 30 minutes to correctly fill in a notification form. If a notification is not correctly done, than the New Zealand SPS Contact Point will not approve the notification for submission to the WTO and will require the person concerned to supply further information and/or correct any mistakes.

All notifications must be made on an official WTO notification forms. Templates are attached and on FCS:

Templates: <https://piritahi.cohesion.net.nz/Sites/IMA/CO/RZ/WTO/SPS/NewZealandWTONotifications/Forms/AllItems.aspx>

## Routine notifications

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.

### Box 1: WTO Member

The name of the WTO Member making the notification will always be New Zealand. We only make and notify measures for New Zealand and not any other country or WTO Member. It needs to be formatted:

* underlined
* capitals

For New Zealand it is appropriate in most cases to leave the second line ‘If applicable, name of local government involved:’ blank.

### Box 2: Agency responsible

The name of the agency responsible for developing the draft SPS measure being notified under the notification. For New Zealand this is:

* Ministry for Primary Industries
* Standards New Zealand
* Food Standards Australia New Zealand

### Box 3: Products covered

Use clear descriptions to aid understanding of the notification by country officials and translators. Avoid abbreviations. Tariff item numbers should be provided where possible, at least to chapter level. These are obtained from the National Tariff Advisory Unit at New Zealand Customs (phone 04 473 6099, fax 473 7370) or [http://www.mfat.govt.nz/downloads/trade-Agreement/thailand/nztariffschedule1.2.pdf](http://www.mfat.govt.nz/downloads/trade-agreement/thailand/nztariffschedule1.2.pdf) .



### Box 4: Regions affected

Identify the geographical regions or countries likely to be affected, to the extent relevant or practicable. Where possible (and not too cumbersome), list the countries affected. Otherwise check ‘All trading partners’.

### Box 5: Title and number of the notified document

This must contain the exact title and number of pages in the notified document; usually a standard.

### Box 6: Description of content

Summarise 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 box you should:

* describe the species or products and 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
* to the extent possible, describe the likely effects on trade

However, when completing the box you should

* avoid using abbreviations
* use acronyms only where absolutely necessary



### Box 7: Objective and rationale

SPS measures must belong to one of these categories (and can fit into more than one). Apart from checking one of the boxes, you could also specify the exact risks, e.g. “to protect New Zealand horses from the entry, establishment or spread of equine influenza”.



SPS measures will belong to:

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

#### Food safety

Check ‘Food safety’ if the measure relates to foods, beverages or feedstuffs and is to protect human life or health within New Zealand from risks arising from:



* additives, or
* contaminants, or
* toxins, or
* disease-causing organisms.

Take particular care that food safety measures fit these very specific criteria. They must be to protect against health risks, and not merely set compositional standards. They must also deal with one of the four categories of health risk 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.

Remember, food safety under the SPS Agreement does not include:



* allergens
* food labelling regarding label’s position,  
  lettering, nutrient content, or quality
* quality requirements for fresh food
* packaging requirements for fresh food

#### Animal health

Check ‘Animal health’ if the measure is to protect animal life or health within New Zealand from risks arising from the entry, establishment or spread of:

* pests, or
* diseases, or
* disease-carrying organisms, or
* disease-causing organisms.

You should also check in this box if the measure relates to foods, beverages or feedstuffs and is to protect animal life or health within New Zealand from risks arising from:

* additives, or
* contaminants, or
* toxins, or
* disease-causing organisms.

Remember, in the area of animal health, the SPS Agreement does not cover:

* animal welfare

#### Plant protection

Check ‘Plant protection’ if the measure is to protect plant life or health within New Zealand from risks arising from the entry, establishment or spread of:



* pests, or
* diseases, or
* disease-carrying organisms, or
* disease-causing organisms.

#### Protect humans from animal/plant pest or disease

#### Check ’Protect humans from animal/plant pest or disease’ if the measure is to protect human life or health within New Zealand from risks arising from:



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

#### Prevent territory from other damage from pests

Check this category is for damage that does not fit into one of the above categories, but should be used sparingly and only after careful thought. Put a mark (‘X’) in this box if the measure is to protect New Zealand from:

* other damage from pests.

### Box 8: International standard, guideline or recommendation

### Is there an international standard, guideline or recommendation?

Only the international standards, recommendations, and guidelines of the three standard setting bodies recognised under the SPS Agreement (OIE, IPPC and Codex) are applicable. No other standard-setting bodies have been recognised by the SPS Committee.

What constitutes an ‘international standard, guideline and recommendation’ is quite specifically defined below:

#### Food safety

The standards, guidelines and recommendations established by the Codex Alimentarius Commission relating to:

* food additives
* veterinary drug and pesticide residues
* contaminants
* methods of analysis and sampling
* codes and guidelines of hygienic practice;

#### Animal health

The standards, guidelines and recommendations developed under the auspices of World Animal Health Organisation (OIE) including:

* International animal health code for mammals, birds and bees (Terrestrial Animal Health Code)
* International aquatic animal health code
* Manual of standards for diagnostic tests and vaccines
* Diagnostic manual for aquatic animal diseases

It does not include any standards, guidelines or recommendations developed by the OIE relating to:

* animal welfare

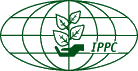
The OIE has some standards, guidelines and recommendations which contain animal welfare aspects, however, animal welfare is not covered by the SPS Agreement.

#### Plant health

The international standards, guidelines and recommendations developed under the auspices of the Secretariat of the International Plant Protection Convention (IPPC) in cooperation with regional organisations operating within the framework of IPPC.

* international standards for phytosanitary measures (ISPMs)

The IPPC has developed a number of international standards for phytosanitary measures these include:

* ISPM 1 – Principles of plant quarantine as related to international trade
* ISPM 2 – Guidelines for pest risk analysis
* ISPM 3 – Code of conduct for the import and release of exotic biological control agents
* ISPM 4 – Requirements for the establishment of pest free areas
* ISPM 6 – Guidelines for surveillance
* ISPM 10 – Requirements for the establishment of pest free places of production and pest free production sites
* ISPM 11 - Pest Risk analysis for quarantine pests including analysis of environmental risks and living modified organisms
* ISPM 12 – Phytosanitary certificates
* ISPM 13 – Guideline for the notification of non-compliance and emergency action
* ISPM 14 – The use of integrated measures in a systems approach for pest risk management
* ISPM 18 – Guidelines for the use of irradiation as a phytosanitary measure
* ISPM 19 – Guidelines on lists of regulated pests
* ISPM 20 – Guidelines for a phytosanitary import regulatory system
* ISPM 21 – Pest risk analysis for regulated non quarantine pests
* ISPM 22 – Requirements for the establishment of areas of low pest prevalence
* ISPM 23 – Guidelines for inspection
* ISPM 24 Guideline for the determination and recognition of equivalence of phytosanitary measures
* ISPM 25 – Consignments in transit
* ISPM 26 – Establishment of pest free areas for fruit flies (Tephritidae)
* ISPM 27 – Diagnostic protocols for regulated pests
* ISPM 28 – Phytosanitary treatments of regulated pests
* ISPM 29 – Recognition of pest free areas and areas of low pest prevalence
* ISPM 33 – Pest free potato (Solanum spp.) micropropagative material and minitubers for international trade
* ISPM 36 – Integrated measures for plants for planting

There are not very many pest/commodity specific standards in the IPPC however there are generic standards that may apply.

It does not include standards, guidelines or recommendations produced by the regional plant protection organisations (RPPOs). As standards, guidelines and recommendations produced by RPPOs are only applicable regionally and are not ‘international’ in the same sense as used in the SPS Agreement.

Check the appropriate box provided if a relevant international standard, guideline or recommendation(from OIE, Codex Alimentarius or IPPC) exists. If the regulation being notified deviates from the international standard, describe how and why. If there is no relevant international standard, check ‘none’, briefly explain why there is no relevant standard.

Ensure you also check the box to indicate whether the measure does or doesn’t comply, and explain as necessary (see below example).



### Box 9: Relevant documents and language

Several different types of publications can be referenced here.

Publications which you could reference are:

* Publication where notice of the proposed regulationappears, including date and reference numbers.
* Scientific risk assessment/analysis that the proposed measure is based on.
* 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.
* Publication in which the proposed regulation will appear when adopted (e.g. New Zealand Gazette for regulations).



### Box 10: Proposed date of adoption and publication

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

### Box 11: Proposed date of entry into force

Indicate the date from which the requirements in the regulation will, or are expected to, enter into force. For many MPI standards this will be the same as the date of adoption. Members are encouraged to give at least 6 months’ notice, you can check this box if appropriate.

Remember, as mentioned earlier, in the case of SPS measures which facilitate trade, we may reduce or eliminate the period for receiving comments. In such cases New Zealand usually writes the following comment after the box to leave the opportunity open for Members to make comments:

*“As the implementation of this import health standard is trade-facilitating it is anticipated that the import health standard will be issued at the time of this notification. However, comments can still be made at any time within 60 days of notification for consideration.”* But do this very sparingly, and ensure all Members would agree it is trade facilitating.



### Box 12: Final date for comments

The date by which other WTO Members may submit comments should be at least 60 days after the notification has been distributed by the WTO. To work out the comment deadline it is recommended that you work backwards from when New Zealand wants the regulation to come into effect, ensuring the 60 days for consultation, adequate time for Members to develop systems to implement the changes etc. Write in that specific date or you can check the ‘Sixty days from the date of circulation of the notification’ box if this works better.

Give a specific contact for receipt of comments. This should be the person actually considering submissions, and not only the SPS Contact Point. Check both the ‘National Notification Authority’ and the ‘National Enquiry Point’ and also give your full address, including fax number in international format, and email address.



### Box 13: Texts available from

MPI SPS measures will always be available from the SPS Contact Point, so check the box provided and give the precise URL (www. address) of this document if available. For measures notified on behalf of other agencies, give the name, address, fax number and email address for the appropriate contact for that agency; this might be the designated SPS contact or the author of a standard. Give the precise URL (www. address) of this document if available.



## Emergency notifications

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.

Much of the detail required for an emergency notification is the same as that required for a routine notification. There is, however, three key boxes that require specific important information and particular care should be made when filling in these boxes.



## When a draft notification is completed

As mentioned, it should take approximately 30 minutes to complete the notification form. When completed the author should send a copy of the document being notified as well as the draft notification to the Coordinator, by email to: **sps@mpi.govt.nz**

The Coordinator will check the notification is completed correctly, and input it into the WTO notification system in Geneva.

**The SPS Contact Point will not approve the notification to be sent to the WTO until it has a copy of the document being notified.**

Publishing notifications are a requirement of the WTO and this is done through the MPI WTO notification page <https://www.mpi.govt.nz/importing/overview/access-and-trade-into-new-zealand/world-trade-organization-notifications/> , the full IHS is on the MPI IHS Consultation page <https://www.mpi.govt.nz/news-and-resources/consultations/?opened=1> .

To ensure the web service staff are able to link each WTO notification to the correct consultation page, when you send the draft IHS and consultation papers to web services, you must include the approved WTO notification that you will receive back from the SPS Contact Point.

## Addendums, corrigendum’s and revisions

In addition to the two basic types of notifications, a number of additional document types are issued for notifications when new information has become available, a correction is necessary to a notification:

* addendum (add) – issued when new information becomes available, or when the dates of entry into force or deadlines for comments change. This is commonly used for notifications of emergency measures;
* corrigendum (corr) – issued when a correction to a mistake in a notification previously issued is necessary;
* revision (rev) – a revision of a WTO document is supposed to replace the original document completely.

The templates for Routine and Emergency notifications and Addendums are attached. They are relatively easy to follow using the handbook but if you have any questions, queries etc please contact the SPS Contact Point coordinator: Sally Jennings – 04 8940431

Section

4

# Enquiries and submissions

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s part of the SPS transparency system, other WTO Members are able to make submissions or enquiries on any document notified. There are quite specific obligations and disciplines regarding the handing of enquiries and submissions and it is important that New Zealand standard writers responsible for handling consultation of the notified document fulfil these. This section details the requirements for handling enquiries and submissions.

## Document requests

Requests for the document being notified will normally come to the SPS Contact Point and be fulfilled with no reference to the person who initiated the notification. Ask the SPS Contact Point if you want to be advised of the countries that request the document.

## Handling submissions on notified documents

When other WTO Members make submissions on an SPS measure notified by New Zealand, we have certain obligations to meet. It is the responsibility of the original author of the notification to:

* acknowledge receipt of submissions;
* discuss submissions if requested to;
* on request explain to all submitters 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 submitters 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 www reference of the final standard would be an acceptable alternative for most countries.

Responses to submissions must be made in a timely fashion.

# Appendix 1

### Annex B - Transparency of Sanitary and Phytosanitary

Publication of regulations

1. Members shall ensure that all sanitary and phytosanitary regulations5 which have been adopted are published promptly in such a manner as to enable interested Members to become acquainted with them.
2. Except in urgent circumstances, Members shall 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.

Enquiry points

1. Each Member shall ensure that one enquiry point exists which is responsible for the provision of answers to all reasonable questions from interested Members as well as for the provision of relevant documents regarding:
   1. any sanitary or phytosanitary regulations adopted or proposed within its territory;
   2. any control and inspection procedures, production and quarantine treatment, pesticide tolerance and food additive approval procedures, which are operated within its territory;
   3. risk assessment procedures, factors taken into consideration, as well as the determination of the appropriate level of sanitary or phytosanitary protection;
   4. 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 this Agreement, and the texts of such agreements and arrangements.
   5. Members shall ensure that where copies of documents are requested by interested Members, they are supplied at the same price (if any), apart from the cost of delivery, as to the nationals6 of the Member concerned.

Notification procedures

* 1. Whenever an international standard, guideline or recommendation does not exist or the content of a proposed sanitary or phytosanitary regulation is not substantially the same as the content of an international standard, guideline or recommendation, and if the regulation may have a significant effect on trade of other Members, Members shall:

1. publish a notice at an early stage in such a manner as to enable interested Members to become acquainted with the proposal to introduce a particular regulation;
2. notify other Members, through the Secretariat, of the products to be covered by the regulation together with a brief indication of the objective and rationale of the proposed regulation. Such notifications shall take place at an early stage, when amendments can still be introduced and comments taken into account;
3. provide upon request to other Members copies of the proposed regulation and, whenever possible, identify the parts which in substance deviate from international standards, guidelines or recommendations;
4. without discrimination, allow reasonable time for other Members to make comments in writing, discuss these comments upon request, and take the comments and the results of the discussions into account.
   1. However, where urgent problems of health protection arise or threaten to arise for a Member, that Member may omit such of the steps enumerated in paragraph 5 of this Annex as it finds necessary, provided that the Member:
5. immediately notifies other Members, through the Secretariat, of the particular regulation and the products covered, with a brief indication of the objective and the rationale of the regulation, including the nature of the urgent problem(s);
6. provides, upon request, copies of the regulation to other Members;
7. allows other Members to make comments in writing, discusses these comments upon request, and takes the comments and the results of the discussions into account.
8. Notifications to the Secretariat shall be in English, French or Spanish.
9. Developed country Members shall, if requested by other Members, provide copies of the documents or, in case of voluminous documents, summaries of the documents covered by a specific notification in English, French or Spanish.
10. The Secretariat shall promptly circulate copies of the notification to all Members and interested international organizations and draw the attention of developing country Members to any notifications relating to products of particular interest to them.
11. Members shall designate a single central government authority as responsible for the implementation, on the national level, of the provisions concerning notification procedures according to paragraphs 5, 6, 7 and 8 of this Annex.

General reservations

1. Nothing in this Agreement shall be construed as requiring:
2. the provision of particulars or copies of drafts or the publication of texts other than in the language of the Member except as stated in paragraph 8 of this Annex; or
3. Members to disclose confidential information which would impede enforcement of sanitary or phytosanitary legislation or which would prejudice the legitimate commercial interests of particular enterprises.

# Appendix 2

### SPS Committee’s Transparency Decision 2008

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| **World Trade**  **Organization** |  |
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| **G/SPS/7/Rev.3**  20 June 2008 |
|  | (08-2919) |
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| **Committee on Sanitary and Phytosanitary Measures** |  |

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

**AS OF 1 DECEMBER 2008**

Revision[[2]](#footnote-2)

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.[[3]](#footnote-3) 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.

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

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.[[4]](#footnote-4)

When a Member’s National Notification Authority or National Enquiry Point has been designated, or changed, the WTO Secretariat should be informed. The Secretariat regularly circulates a list of all Members' National Notification Authorities and National Enquiry Points, and this information is also available through the WTO's SPS web page ([www.wto.org](http://www.wto.org)) and through the SPS Information Management System (http://spsims.wto.org). The National Enquiry Points are listed in the G/SPS/ENQ/ document series of the WTO, and the notification authorities are listed in the G/SPS/NNA/ series. 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
* Fax
* E-mail
* Website address

**RECOMMENDED NOTIFICATION PROCEDURES**

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 routinenotifications (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.

APPLICATION OF ANNEX B, PARAGRAPH 5 (PREAMBULAR PART) OF THE SPS AGREEMENT

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.

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.[[5]](#footnote-5)

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.

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.

TIMING OF NOTIFICATIONS

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.

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.

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 measures which facilitate trade[[6]](#footnote-6) 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.

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.

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.

REQUESTING DOCUMENTS RELATED TO A NOTIFICATION

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.

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

PROVIDING DOCUMENTS RELATED TO A NOTIFICATION

*Address of body supplying the documents*

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.

*Responding to requests*

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.

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

Members should use fax and 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.

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 through a hyperlink in the notification format.[[7]](#footnote-7) Information about the provision, storage, and language of attachments to SPS notifications is contained in Annex C of these procedures.

*Acknowledging receipt of documents*

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

*Translation of documents*

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.

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.

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.

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.

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.[[8]](#footnote-8)

HANDLING OF COMMENTS ON NOTIFICATIONS

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.

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.

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

acknowledge the receipt of such comments;

explain within a reasonable period of time, and at the earliest possible datebefore 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;

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.

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, preferablyvia electronic means.

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).

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

ADDENDA, REVISIONS AND CORRIGENDA

In addition to their original notifications, Members can also provide supplementary information in three different forms:

* An addendum is used to provide additional information or changes to an original notification. A Member may wish to indicate 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.
* A revision is used to replace an existing notification.

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

**Addenda**

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:

1. if the comment period has been extended;
2. 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;
3. if the content of a previously notified draft regulation is partially changed, or if the scope of application of the existing notification is modified, eitherin terms of Members affected orproducts 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;
4. if a proposed regulation is withdrawn;
5. in the case of an emergency notification, an addendum should also be submitted if the period of application of the existing notification is extended.

An addendum should:

1. 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;
2. specify what change has been made and why - briefly state why the information, dates, etc. have been changed; and
3. 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.

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

**Revisions**

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.

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

**Corrigenda**

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

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

REGULATIONS THAT CONTAIN BOTH SPS AND TBT MEASURES

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).

NOTIFICATION OF DETERMINATION OF THE RECOGNITION OF EQUIVALENCE OF SANITARY OR PHYTOSANITARY MEASURES[[9]](#footnote-9)

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.

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.

COMPLETED NOTIFICATIONS

Notifications should be sent, preferably by E-mail, but if not by fax or air mail, from the National Notification Authority to the central registry of notifications (CRN) at the WTO. The address is:

Central Registry of Notifications E-mail: **crn@wto.org**

World Trade Organization

Rue de Lausanne 154

1211 Geneva 21

Switzerland

Fax: (+41 22) 739 5638

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**](http://www.wto.org/english/tratop_e/sps_e/sps_e.htm)

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).

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.

**GUIDELINES FOR NATIONAL ENQUIRY POINTS**

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.

The National Enquiry Point handles on a routine basis:

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

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.

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.

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.

Members should also refer to the guidelines on transparency contained in the handbook *How to apply the transparency provisions of the SPS Agreement* (November 2000), when notifying regulations and operating National Enquiry Points in accordance with Article 7 and Annex B of the SPS Agreement.[[10]](#footnote-10)

**PUBLICATION OF REGULATIONS**

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.

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

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;

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.

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

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.

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:

allows for greater transparency;

makes it easier for Members to obtain documents; and

reduces the amount of work involved in processing and fulfilling document requests.

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

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 and SPS Information Management System (SPS IMS) (<http://spsims.wto.org>) as well as the FAO's International Portal on Food Safety, Animal and Plant Health (<http://www.ipfsaph.org>).

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 web page. Official national SPS-related documentation and information can also be provided to the FAO’s International Portal on Food Safety, Animal and Plant Health for publication.

# Appendix 3

# WTO Notification Templates

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| **G/SPS/N/NZL**  **Date of distribution** | |
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**NOTIFICATION**

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| **1.** | **Notifying Member:** New Zealand  **If applicable, name of local government involved:** |
| **2.** | **Agency responsible:** Ministry for Primary Industries |
| **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):** |
| **4.** | **Regions or countries likely to be affected, to the extent relevant or practicable:**  **[ ] All trading partners**  **[ ] Specific regions or countries:** |
| **5.** | **Title of the notified document:**  **Language(s):**  **Number of pages:** |
| **6.** | **Description of content:** |
| **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.** |
| **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:** |
| **9.** | **Other relevant documents and language(s) in which these are available:** |
| **10.** | **Proposed date of adoption *(dd/mm/yy)*:**  **Proposed date of publication *(dd/mm/yy)*:** |
| **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 handle comments: [ ] National Notification Authority, [ ] National Enquiry Point. Address, fax number and e‑mail address (if available) of other body:**  Mrs Sally Jennings, Coordinator, SPS New Zealand, PO Box 2526, Wellington, New Zealand. Tel: +64 4 894 0431; Fax: +64 4 894 0733; E-mail: sps@mpi.govt.nz |
| **13.** | **Texts available from: [ ] National Notification Authority, [ ] National Enquiry Point. Address, fax number and e‑mail address (if available) of other body:** Mrs Sally Jennings, Coordinator, SPS New Zealand, PO Box 2526, Wellington, New Zealand. Tel: +64 4 894 0431; Fax: +64 4 894 0733; E-mail: [sps@mpi.govt.nz](mailto:sps@mpi.govt.nz)  Website: <http://www.biosecurity.govt.nz/sps/transparency/notifications/index.htm> |

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**NOTIFICATION of emergency measures**

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| **1.** | **Notifying Member:** New Zealand  **If applicable, name of local government involved:** |
| **2.** | **Agency responsible:** Ministry for Primary Industries |
| **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:**  **[ ] All trading partners**  **[ ] Specific regions or countries:** |
| **5.** | **Title of the notified document:**  **Language(s):**  **Number of pages:** |
| **6.** | **Description of content:** |
| **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.** |
| **8.** | **Nature of the urgent problem(s) and reason for urgent action:** |
| **9.** | **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:** |
| **10.** | **Other relevant documents and language(s) in which these are available:** |
| **11.** | **Date of entry into force (*dd/mm/yy*)/period of application (as applicable):**  **[ ] Trade facilitating measure** |
| **12.** | **Agency or authority designated to handle comments: [ ] National Notification Authority, [ ] National Enquiry Point. Address, fax number and e-mail address (if available) of other body:**  Mrs Sally Jennings, Coordinator, SPS New Zealand, PO Box 2526, Wellington, New Zealand. Tel: +64 4 894 0431; Fax: +64 4 894 0733; E-mail: sps@mpi.govt.nz |
| **13.** | **Texts available from: [ ] National Notification Authority, [ ] National Enquiry Point. Address, fax number and e-mail address (if available) of other body:**  Mrs Sally Jennings, Coordinator, SPS New Zealand, PO Box 2526, Wellington, New Zealand. Tel: +64 4 894 0431; Fax: +64 4 894 0733; E-mail: sps@mpi.govt.nz  Website: <http://www.biosecurity.govt.nz/sps/transparency/notifications/index.htm> |

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**nOTIFICATION**

*Addendum*

The following communication, received on .............., is being circulated at the request of the Delegation of New Zealand.

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

|  |
| --- |
| Title |
| Adoption Date of regulation |
| **This addendum concerns a:** |
| [ ] Modification of final date for comments |
| [ ] Notification of adoption, publication or entry into force of regulation |
| [ ] Modification of content and/or scope of previously notified draft regulation |
| [] Withdrawal of proposed regulation |
| [] Change in proposed date of adoption, publication or date of entry into force |
| [] Other: |
| **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.)*** |
| [] Sixty days from the date of circulation of the addendum to the notification and/or *(dd/mm/yy)*: |
| **Agency or authority designated to handle comments: [ ] National Notification Authority, [** **] National Enquiry Point. Address, fax number and e-mail address (if available) of other body:** Mrs Sally Jennings, Coordinator, SPS New Zealand, PO Box 2526, Wellington, New Zealand. Tel: +64 4 894 0431; Fax: +64 4 894 0733; E-mail: [sps@mpi.govt.nz](mailto:sps@mpi.govt.nz) |
|  |
| **Text available from: [ ] National Notification Authority, [ ] National Enquiry Point. Address, fax number and e-mail address (if available) of other body:** |
| Mrs Sally Jennings, Coordinator, SPS New Zealand, PO Box 2526, Wellington, New Zealand. Tel: +64 4 894 0431; Fax: +64 4 894 0733; E-mail: [sps@mpi.govt.nz](mailto:sps@mpi.govt.nz)  Website: <http://www.biosecurity.govt.nz/sps/transparency/notifications/index.htm> |

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| **Committee on Sanitary and Phytosanitary Measures** | | Original: |

**NOTIFICATION OF EMERGENCY MEASURES**

Addendum

The following communication, received on [Date], is being circulated at the request of the Delegation of  New Zealand.

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| --- |
| Title |
|  |
| **This addendum concerns a:** |
| [] Modification of final date for comments |
| [] Modification of content and/or scope of previously notified regulation |
| [] Withdrawal of regulation |
| [] Change in period of application of measure |
| [] Other:  Modification Other Text |
| **Agency or authority designated to handle comments: [ ] National Notification Authority, [ ] National Enquiry Point. Address, fax number and e-mail address (if available) of other body:** |
|  |
| **Text available from: [ ] National Notification Authority, [ ] National Enquiry Point. Address, fax number and e-mail address (if available) of other body:** |

1. The SPS Agreement uses the terms “measures” and “regulations” somewhat interchangeably. Readers should note that regardless of the term used, the Agreement is referring to any sanitary or phytosanitary measures such as laws, decrees, or ordinances applied to protecting human, animal or plant life or health as defined under paragraph 1 of Annex A to the SPS Agreement. [↑](#footnote-ref-1)
2. At its meeting of 2-3 April 2008, the SPS Committee adopted the revised Recommended Procedures for Implementing the Transparency Obligations of the SPS Agreement (Article 7) on an ad referendum basis. Members who objected to the adoption of the guidelines were asked to make this known by 30 May 2008. No objections were raised by that date. In light of the required modifications to the SPS Information Management System (SPS IMS), which the Secretariat uses to generate and report on SPS notifications, these procedures, including the revised notification formats, will take effect as of **1 December 2008**. [↑](#footnote-ref-2)
3. 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. [↑](#footnote-ref-3)
4. 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. [↑](#footnote-ref-4)
5. 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. [↑](#footnote-ref-5)
6. 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. [↑](#footnote-ref-6)
7. See G/SPS/GEN/818. [↑](#footnote-ref-7)
8. See G/SPS/GEN/487 for further information on this mechanism. [↑](#footnote-ref-8)
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 has been incorporated into this Revision. [↑](#footnote-ref-9)
10. A practical procedural manual on the operation of National Enquiry Points and Notification Authorities is under preparation. Once it is finalized, the manual will be posted on the WTO website for access by all interested parties. [↑](#footnote-ref-10)